

EXHIBIT 2



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Transcript of Daniel J. White

Date: November 29, 2021

Case: Boshea -v- Compass Marketing, Inc.

Planet Depos

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3
4 DAVID J. BOSHEA, *

5 Plaintiff, *

6 vs. * Civil Action No.

7 COMPASS MARKETING, INC., * 1:21-cv-00309-ELH

8 Defendant. *

9
10
11
12 Videotaped Deposition of

13 DANIEL J. WHITE

14 Conducted Virtually Via Zoom

15 Monday, November 29, 2021

16 8:31 a.m. EST

17
18
19 Job No.: 414939

20 Pages: 1 - 223

21 Reported by: Vicki L. Forman

22

1 Videotaped Deposition of DANIEL J. WHITE,
2 conducted virtually via Zoom.

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8 Pursuant to agreement, before Vicki L.
9 Forman, Court Reporter and Notary Public in and
10 for the State of Maryland.
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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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1 ON BEHALF OF THE DEPONENT:

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3 SYDNEY M. PATTERSON, ESQUIRE

4 Marcus Bonsib, LLC

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7 (301) 441-3000

8
9
10
11 ALSO PRESENT: David Boshea

12 Ron Bateman, Compass Marketing

13 Sue Pybas, PD Tech

14 Donald Lane, II, Videographer

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P R O C E E D I N G S

08:30:12

THE VIDEOGRAPHER: Here begins the remote video deposition of Daniel White in the matter of David J. Boshea versus Compass Marketing, Incorporated pending in the United States District Court for the District of Maryland. Case number as it appears, 1:21-cv-00309-ELH. Today's date is November 29, 2021. The time on the video monitor is 8:31 a.m.

08:30:12

08:30:18

08:30:21

08:30:25

08:30:27

08:30:29

08:30:38

08:30:41

The remote videographer today is Donald E. Lane, II representing Planet Depos. All parties of this video deposition are attending remotely.

08:30:42

08:30:45

08:30:48

Would counsel please voice identify themselves and state whom they represent?

08:30:51

08:30:53

MR. STERN: Good morning. This is Stephen Stern. I represent the defendant, Compass Marketing, Inc. Located in my office with me is a representative of the company, Ronald Bateman. He is not on the video -- he is not on camera but he's in my office with me.

08:30:55

08:30:58

08:31:01

08:31:02

08:31:06

08:31:10

MR. JORDAN: This is Gregory Jordan. I represent David Boshea. David is also on the

08:31:13

08:31:13

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1	Zoom. He is the plaintiff.	08:31:16
2	MS. YEUNG: Heather Yeung is here. I'm	08:31:21
3	also -- I'm part of Stephen Stern's firm	08:31:23
4	representing Compass Marketing. I am largely here	08:31:27
5	for technical support to make sure exhibits are	08:31:31
6	shown.	08:31:34
7	THE VIDEOGRAPHER: The court reporter	08:31:35
8	today is Vicki Forman representing Planet Depos.	08:31:36
9	Would the reporter please swear in the	08:31:38
10	witness.	08:31:38
11	THE REPORTER: Mr. White, would you raise	08:31:38
12	your right hand, please?	08:31:38
13	DANIEL J. WHITE	08:31:38
14	having been duly sworn, testified as follows:	08:31:38
15	THE REPORTER: Thank you. You may proceed,	08:31:53
16	Mr. Stern.	08:31:55
17	MR. STERN: Thank you.	08:31:57
18	MR. MARCUS: Before we begin, if there are	08:31:57
19	others in any of the rooms we would ask that they	08:31:59
20	be identified so that we actually know what's	08:32:03
21	going on elsewhere.	08:32:07
22	Mr. Stern, Mr. Bateman is in what	08:32:09

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1	capacity?	08:32:13
2	MR. STERN: He's here as the company	08:32:15
3	representative.	08:32:16
4	MR. MARCUS: And by "company" your	08:32:19
5	representation is that he is there on behalf of	08:32:20
6	Compass Marketing?	08:32:22
7	MR. STERN: Correct.	08:32:23
8	MR. MARCUS: Does he hold an office or how	08:32:29
9	did that designation come to be?	08:32:31
10	MR. STERN: Special Advisor to the	08:32:38
11	Chairman.	08:32:39
12	MR. MARCUS: Special Advisor to the	08:32:41
13	Chairman.	08:32:43
14	Could we just have an identification of	08:32:52
15	who the chairman is?	08:32:53
16	MR. STERN: I'm the one that's asking	08:32:55
17	questions today. He is here as a company	08:32:57
18	employee -- a company representative. That's all	08:33:01
19	we need to know.	08:33:03
20	MR. MARCUS: Okay. And Mr. Boshea, are	08:33:04
21	you by yourself, sir?	08:33:12
22		

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1	MR. BOSHEA: Yes, sir.	08:33:15
2	MR. MARCUS: Mr. Jordan, I assume you are	08:33:17
3	as well, sir?	08:33:19
4	MR. JORDAN: That's correct.	08:33:21
5	David, can you turn off your mic, please?	08:33:23
6	Sorry.	08:33:29
7	MR. MARCUS: Ms. Young, I assume you are	08:33:30
8	also by yourself?	08:33:33
9	MS. YEUNG: I'm in the same office	08:33:35
10	building as Mr. Stern but I'm in my own office	08:33:37
11	with the door closed.	08:33:40
12	MR. MARCUS: Just so it's clear,	08:33:41
13	Ms. Patterson who is an attorney in our office is	08:33:43
14	also here in the room. There's nobody else in the	08:33:45
15	room here and I am assuming that there are no	08:33:47
16	other recordings that are being made other than	08:33:52
17	the official reporting company recording both	08:33:55
18	video and audio, is that a fair statement?	08:33:58
19	MR. STERN: Thank you, Bruce. I actually	08:34:01
20	want to take it a step further, not just	08:34:03
21	recording. I want to make sure that everyone	08:34:04
22	represents that's in an office that there's no one	08:34:06

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1	else listening in by phone or by video on their	08:34:09
2	computer screen or otherwise.	08:34:13
3	MR. JORDAN: I'm not recording. I don't	08:34:16
4	have anybody -- this is Gregory Jordan. I'm not	08:34:18
5	recording, having anybody listen in. I'm here by	08:34:20
6	myself. I'm at home. There are other people in	08:34:23
7	the house but they're not -- they're completely	08:34:27
8	uninterested in this.	08:34:30
9	MR. STERN: Okay.	08:34:32
10	MR. MARCUS: And as for Ms. Patterson,	08:34:34
11	myself and Mr. White there are no recordings and	08:34:37
12	there is no one else in the room.	08:34:39
13	MR. STERN: That's not my question,	08:34:41
14	Mr. Marcus. I asked is there any connection to	08:34:43
15	anyone by phone or video that's otherwise even if	08:34:46
16	it's not being recorded?	08:34:49
17	MR. MARCUS: There are no telephones	08:34:51
18	operated at this point. There are no intentions	08:34:54
19	to have any telephones operated so that's it for	08:34:58
20	us. I assume that that is the case for you --	08:35:03
21	MR. STERN: Correct.	08:35:05
22		

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1	MR. MARCUS: -- and Mr. Bateman?	08:35:07
2	MR. STERN: Correct.	08:35:10
3	MR. MARCUS: Okay.	08:35:13
4	MR. STERN: All right, then let's get	08:35:14
5	started.	08:35:16
6	Was the witness sworn in?	08:35:17
7	THE REPORTER: Yes.	08:35:19
8	EXAMINATION BY COUNSEL FOR THE DEFENDANT	08:35:20
9	BY MR. STERN:	08:35:20
10	Q Mr. White, is this the first time you and	08:35:21
11	I have met?	08:35:23
12	A I believe so.	08:35:24
13	Q And can you just -- can you please state	08:35:26
14	your name for the record?	08:35:31
15	A My name is Daniel White.	08:35:32
16	Q And you are an attorney?	08:35:35
17	A I am.	08:35:36
18	Q What is your current position?	08:35:38
19	A I work for the State's Attorney's Office	08:35:41
20	in St. Mary's County.	08:35:44
21	Q What's your title?	08:35:47
22	A I'm the Deputy State's Attorney.	08:35:47

1	Q How long have you held that position?	08:35:49
2	A About one year.	08:35:52
3	Q And were you employed in the State's	08:35:53
4	Attorney's Office prior to that?	08:35:58
5	A I was.	08:35:59
6	Q For how long?	08:36:00
7	A I've been there for 20 years.	08:36:02
8	Q And have you been working in a full-time	08:36:05
9	capacity for the State's Attorney's Office during	08:36:08
10	that time?	08:36:11
11	MR. MARCUS: Objection. Answer please.	08:36:15
12	A Yes.	08:36:16
13	BY MR. STERN:	08:36:18
14	Q So as an attorney you're familiar with	08:36:19
15	depositions?	08:36:21
16	A Generally.	08:36:25
17	Q Have you ever been deposed before?	08:36:26
18	A I have not.	08:36:29
19	Q Well, just in an abundance of caution I'm	08:36:32
20	going to go over a few procedural matters today	08:36:35
21	just to make sure we do the best we can to	08:36:39
22	understand how this process will work.	08:36:40

1	As you know, I represent Compass	08:36:42
2	Marketing, Inc. in this matter and I'll be asking	08:36:44
3	you a bunch of questions today. I need you to	08:36:47
4	verbalize your answers. Even though this is being	08:36:50
5	video recorded, for the transcript we also need	08:36:53
6	verbal answers, do you understand that?	08:36:56
7	A I do.	08:36:59
8	Q In addition, if there's a question that's	08:36:59
9	unclear I'll ask you to ask me to clarify it,	08:37:04
10	otherwise, I'll assume you understand the	08:37:07
11	questions being asked.	08:37:09
12	Do you understand that?	08:37:11
13	A I understand what you said.	08:37:13
14	Q And then while it's inevitable in any	08:37:15
15	conversation, people tend to interrupt one another	08:37:19
16	from time to time. We need to do our best to let	08:37:22
17	each other finish our respective statements so	08:37:25
18	please wait for me to finish asking my question	08:37:28
19	and I'll do my best to try to wait for you to	08:37:29
20	finish answering the question, understood?	08:37:34
21	A I understand.	08:37:36
22	Q And before we get started, one other	08:37:37

1	question is have you consumed anything today that	08:37:41
2	would inhibit you from answering questions	08:37:44
3	truthfully under oath?	08:37:47
4	A No, sir.	08:37:49
5	Q I'm sorry, I couldn't hear you.	08:37:50
6	A No, sir.	08:37:52
7	Q Now, you're here today pursuant to a	08:37:54
8	subpoena, correct?	08:37:56
9	A That's correct.	08:37:57
10	Q And you are accompanied by your counsel?	08:38:00
11	A That's correct.	08:38:02
12	Q And you objected to sitting for this	08:38:08
13	deposition by filing a motion to quash this	08:38:10
14	subpoena, correct?	08:38:13
15	A I did.	08:38:16
16	MR. STERN: I'd like to show you that	08:38:18
17	motion that you filed. It's Document Number 31	08:38:21
18	filed on August 16, 2021 and I'm going to -- can	08:38:28
19	you scroll through it, please, Heather to -- and	08:38:35
20	this will be marked as Exhibit 1.	08:38:37
21	(D. White Deposition Exhibit 1 was marked	08:38:37
22	for identification and attached to the	08:38:37

1	transcript.)	08:38:37
2	BY MR. STERN:	08:38:37
3	Q Is this the document that you filed?	08:38:41
4	MR. MARCUS: We have to see it first.	08:38:47
5	MS. YEUNG: Would you like me to send the	08:38:53
6	e-mail now with the entire document?	08:38:55
7	MR. JORDAN: I would like you to send the	08:39:03
8	e-mail if possible. That would probably be	08:39:05
9	easier. This is Gregory Jordan.	08:39:09
10	MS. YEUNG: Not a problem.	08:39:13
11	MR. STERN: Heather, perhaps what we'll do	08:39:14
12	is once you put it up on the screen and I can	08:39:16
13	confirm that that's the one I'm looking to have	08:39:19
14	referred to, you can just right after that send	08:39:21
15	the e-mail to whoever needs to have a copy.	08:39:24
16	MS. YEUNG: Yes, we'll get a flow going.	08:39:26
17	MR. STERN: All right.	08:39:30
18	BY MR. STERN:	08:39:31
19	Q Mr. White, is this the motion that you	08:39:32
20	filed?	08:39:35
21	MR. MARCUS: Hang on one second. We just	08:39:41
22	received it.	08:39:44

1	MR. STERN: It's also up on the screen.	08:39:44
2	MR. MARCUS: I understand that but there	08:39:46
3	are two lines below the caption so that's all we	08:39:47
4	can see.	08:39:53
5	BY MR. STERN:	08:40:09
6	Q Have you had a chance to review that,	08:40:10
7	Mr. White?	08:40:12
8	A I looked at your e-mail. Thank you.	08:40:21
9	Q Is that your opposition -- or your motion	08:40:24
10	that you filed I mean?	08:40:28
11	A It appears to be but I do not know if it's	08:40:29
12	the whole thing or not.	08:40:33
13	Q I'm not representing that's the exhibits.	08:40:34
14	I'm asking does that constitute the motion that	08:40:37
15	you filed?	08:40:39
16	A It appears to be but I'm not sure.	08:40:40
17	Q What is it that doesn't make you sure that	08:40:42
18	that's the motion that you filed?	08:40:44
19	A Well, it comes from you, sir.	08:40:47
20	MR. MARCUS: Mr. Stern, not to interject	08:40:52
21	but you made reference to the deposition as being	08:40:54
22	the subject of the motion I believe in your	08:40:58

1 question. What you've shown us is a motion to
2 quash subpoenas, okay, and it appears to be for
3 the duces tecum and a protective order so I'm not
4 sure if your question was accurate if this is the
5 exhibit that you intend to rely on.

6 BY MR. STERN:

7 Q Mr. White, was your motion intended to
8 quash the entirety of the subpoena that was served
9 on you, both the duces tecum portion and the
10 deposition portion?

11 MR. MARCUS: Objection. The document
12 speaks for itself.

13 BY MR. STERN:

14 Q Go ahead and answer the question,
15 Mr. White.

16 A Would you ask me the question again, sir?

17 Q Was your motion intended to quash the
18 duces tecum portion and the deposition portion of
19 the subpoena?

20 MR. MARCUS: Again, objection. The
21 document speaks for itself. Go ahead, sir.

22 A I don't know.

08:41:00

08:41:05

08:41:13

08:41:16

08:41:22

08:41:22

08:41:24

08:41:27

08:41:30

08:41:34

08:41:36

08:41:38

08:41:38

08:41:39

08:41:40

08:41:40

08:41:42

08:41:45

08:41:47

08:41:50

08:41:51

08:41:54

1	BY MR. STERN:	08:41:56
2	Q You don't know? Why don't you know?	08:41:56
3	What is it about the motion that you don't	08:42:00
4	know?	08:42:02
5	A I wrote it as best as I could.	08:42:04
6	Q And when you wrote it did you intend to	08:42:07
7	quash both the duces tecum portion of the	08:42:10
8	deposition and the deposition portion of the --	08:42:13
9	I'm sorry, let me say that again.	08:42:16
10	Did you intend to quash the duces tecum	08:42:18
11	portion of the subpoena and the deposition portion	08:42:21
12	of the subpoena?	08:42:23
13	MR. MARCUS: Objection. The document	08:42:25
14	speaks for itself.	08:42:26
15	BY MR. STERN:	08:42:29
16	Q Go ahead, Mr. White.	08:42:30
17	A I do not remember.	08:42:31
18	Q Would it help you if you were to read	08:42:33
19	through that motion?	08:42:36
20	A I can read the motion for you if you'd	08:42:40
21	like.	08:42:42
22	Q Did you review your motion prior to	08:42:47

1	preparing for -- prior to the deposition today?	08:42:51
2	A I did not do it recently.	08:42:55
3	Q When was the last time you reviewed your	08:42:58
4	motion?	08:43:00
5	A Probably two months ago.	08:43:05
6	Q I'd like to turn your attention to page	08:43:09
7	two, subsection 2D. I would like to direct your	08:43:13
8	attention to one, two, three, four lines down.	08:43:24
9	It says "White" -- I assume White there	08:43:28
10	refers to you, Daniel White, correct?	08:43:31
11	A That's correct.	08:43:34
12	Q It says "White had no prior knowledge of	08:43:36
13	and did not participate in neither the	08:43:39
14	development, execution or ratification of the	08:43:41
15	Boshea employment agreement with Compass," do you	08:43:44
16	see that?	08:43:47
17	A I see that.	08:43:48
18	Q Is that a true statement?	08:43:50
19	A I do not know and -- I do not know the	08:43:58
20	answer to that. I didn't think I did when I wrote	08:44:01
21	that statement.	08:44:05
22	Q So now you've had time to reflect on it.	08:44:06

1	Is that a true statement?	08:44:10
2	MR. MARCUS: Objection to form.	08:44:13
3	A I have reflected on that motion and I have	08:44:20
4	found an e-mail that I did not remember having	08:44:24
5	received.	08:44:29
6	BY MR. STERN:	08:44:34
7	Q We'll talk about that e-mail a little bit	08:44:34
8	later on.	08:44:37
9	A Okay.	08:44:39
10	Q I also want to turn your attention for the	08:44:39
11	moment -- we'll turn back to this a few times	08:44:43
12	during the deposition.	08:44:45
13	As I understand it, you also have a time	08:44:46
14	limitation that you've got to end the deposition	08:44:49
15	today by 12:30; is that correct?	08:44:51
16	MR. MARCUS: The deposition according to	08:44:53
17	the Court will end at 12:30. It was to start at	08:44:54
18	8:00 a.m. We were here at 8:00 a.m. and the Court	08:44:59
19	has indicated that the deposition will end at	08:45:03
20	12:30.	08:45:06
21	MR. STERN: This is just this portion of	08:45:06
22	the deposition. The Court also talked about	08:45:08

1 continuing it later in December.

08:45:10

2 MR. MARCUS: The issue about whether it
3 will be continued is to be determined based on the
4 questions that are put to the deponent and whether
5 or not the deposition is being done according to
6 the rules and in an efficient and economical way.

08:45:12

08:45:14

08:45:18

08:45:21

08:45:26

7 MR. STERN: Well, you can take up that
8 battle if you need to, Mr. Marcus.

08:45:31

08:45:33

9 BY MR. STERN:

08:45:33

10 Q I'm turning your attention to subsection
11 2G on page three. It says "The subpoena duces
12 tecum was not properly issued, as Attorney Stern
13 is disqualified from serving as counsel for
14 Compass Marketing because, among other things,
15 Stern was not properly retained by Compass and was
16 instead engaged by a single shareholder of Compass
17 who shares with Attorney Stern a financial
18 interest in Smart Retail, Inc., whose interests
19 are directly and materially adverse to Compass."

08:45:35

08:45:38

08:45:47

08:45:49

08:45:52

08:45:55

08:45:57

08:46:01

08:46:02

08:46:06

20 What did you mean when you said "Stern was
21 not properly retained and instead engaged by a
22 single shareholder of Compass"?

08:46:09

08:46:11

08:46:14

1 MR. MARCUS: Objection to the form of the
2 question. Answer if you can, please.

3 A I think I wrote it as carefully as I could
4 and I think I meant what I wrote, sir.

5 BY MR. STERN:

6 Q So why is it that a single shareholder of
7 Compass does not authorize to retain counsel for
8 the company?

9 A I think that answer goes together. I
10 think that sentence belongs together. I think you
11 and John have a business together. I think John
12 owns 50 percent of the company. I think
13 50 percent of the owners don't think you should be
14 representing Compass Marketing.

15 Q So are you saying that you have veto power
16 over who the company represents -- who the company
17 retains as counsel?

18 MR. MARCUS: Objection, misstates the
19 testimony. Answer please.

20 A I don't believe that John has the
21 authority to hire you to represent Compass.
22

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1 BY MR. STERN:

08:47:15

2 Q Who has the authority to retain counsel to
3 represent Compass?

08:47:15

08:47:18

4 MR. MARCUS: Objection, calls for a legal
5 conclusion. Answer if you can, please.

08:47:21

08:47:23

6 A I do not know.

08:47:25

7 BY MR. STERN:

08:47:29

8 Q So you don't know who has the ability to
9 retain counsel but you believe John White does not
10 have authority to retain counsel?

08:47:30

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11 MR. MARCUS: Objection. Mr. Stern, this
12 deposition is supposed to be taken according to
13 the opinion and order that was issued by Judge
14 Copperthite on matters that are raised in the
15 Complaint. If it is your position that you're
16 free to go beyond that then we will take up with
17 the Court the fact that there are no constraints
18 and the questions that are being put to the
19 deponent are unrelated to the purpose of the
20 deposition, and to the extent that you think you
21 need more time I would suggest to you, sir, that
22 your time in this deposition should be spent

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1 inquiring about the role of a nonparty witness on 08:48:17
2 the limited topics that were identified by the 08:48:20
3 Judge in the opinion and order that was issued 08:48:23
4 September 27th. 08:48:26

5 MR. STERN: Mr. Marcus, please stop with 08:48:28
6 the speaking objections. This is highly relevant. 08:48:30
7 First of all, your client put it in a motion 08:48:33
8 specifically related to this case. Secondly, as 08:48:34
9 we will get into many documents that you produced 08:48:37
10 on behalf of your client, he's been communicating 08:48:39
11 extensively with the plaintiff's counsel in this 08:48:42
12 case, therefore, I need to know who does he 08:48:44
13 believe is authorized to retain counsel on behalf 08:48:46
14 of Compass and does he believe he has the ability 08:48:50
15 to speak on behalf of Compass? 08:48:53

16 MR. MARCUS: The issue of representative 08:48:56
17 capacity is not a subject for a discovery 08:48:58
18 deposition. If you insist on using this 08:49:01
19 deposition for collateral matters then obviously 08:49:05
20 we will take that up with the Court. It's 08:49:10
21 certainly -- 08:49:13
22

1 MR. STERN: It's not a collateral -- it's
2 not a collateral matter. It's something that he
3 put before this Court in his motion and is
4 something that Mr. Jordan put before the Court in
5 a motion that was filed on Wednesday.

6 MR. MARCUS: The issue of the motions
7 practice that --

8 MR. STERN: Please stop the speaking
9 objections. Are you instructing him not to answer
10 the question?

11 MR. MARCUS: No, sir. I am just making
12 sure that the record is clear that my objections
13 pursuant to the rule which are required under Rule
14 30 --

15 MR. STERN: And the rules prohibit you
16 from making speaking objections. You can make
17 your objection and if you instruct him not to
18 answer then you instruct him not to answer,
19 otherwise, note your objection and we'll continue.

20 MR. MARCUS: Okay. I am making my
21 objections to the improper use of this deposition
22 for collateral matters. If you persist in doing

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1 that at some point in time and don't get to the 08:50:02
2 issue that this deposition is for, we will be 08:50:05
3 compelled to stop the deposition because it does 08:50:08
4 not appear you're interested in the discovery 08:50:10
5 matters that presumably cause us to be here. 08:50:12

6 MR. STERN: No, this is a precursor to 08:50:15
7 addressing those issues so thank you. 08:50:18

8 BY MR. STERN: 08:50:20

9 Q Mr. White, who then has the ability to 08:50:22
10 retain counsel on behalf of Compass Marketing? 08:50:24

11 MR. JORDAN: Objection, asked and 08:50:28
12 answered. 08:50:30

13 MR. MARCUS: Calls for a legal conclusion. 08:50:30
14 Answer if you're able. 08:50:31

15 A I think that's a complicated question 08:50:33
16 based on the status of Compass Marketing right now 08:50:36
17 so I do not know the answer. 08:50:40

18 MR. STERN: We will circle back to that in 08:50:43
19 a moment. Now, I want to turn to what will be 08:50:44
20 Exhibit 2, Mr. Boshea's Answers to the First Set 08:50:54
21 of Interrogatories. I think these are the ones 08:50:58
22 that were served on August 19th. 08:51:03

Transcript of Daniel J. White
Conducted on November 29, 2021

28

1	MR. JORDAN: Is that the amended answers	08:51:08
2	or the original answers?	08:51:10
3	MR. STERN: These are the original	08:51:11
4	answers.	08:51:13
5	MR. JORDAN: Okay.	08:51:14
6	(D. White Deposition Exhibit 2 was marked	08:51:14
7	for identification and attached to the	08:51:14
8	transcript.)	08:51:31
9	BY MR. STERN:	08:51:31
10	Q Mr. White, have you seen these Answers to	08:51:35
11	Interrogatories before?	08:51:38
12	A I do not know.	08:51:40
13	Q Okay. We can address that later on when	08:51:44
14	we get to some of the e-mails you produced.	08:51:47
15	I want to turn your attention to answer to	08:51:51
16	Interrogatory Number 5, specifically the last --	08:51:55
17	the last line of that answer. It says "Daniel	08:52:09
18	White reminded" --	08:52:12
19	MR. JORDAN: Stephen, if you're going to	08:52:15
20	ask a question about an interrogatory could you at	08:52:17
21	least give us a chance to read it?	08:52:20
22		

1	MR. STERN: Okay, I'm going to an answer	08:52:22
2	and I'm asking him whether --	08:52:24
3	MR. JORDAN: No, I'm not -- I don't want	08:52:25
4	to go to the answer. I want to read the	08:52:26
5	interrogatory to have context.	08:52:28
6	MR. STERN: You can read it as I'm asking	08:52:30
7	my question. Please stop --	08:52:32
8	MR. JORDAN: No, I can't. I can't. You	08:52:33
9	need to slow down. You can't ask the witness or	08:52:34
10	me to have any context --	08:52:37
11	MR. STERN: You don't know what my	08:52:40
12	question is. Stop interfering, please.	08:52:42
13	MR. JORDAN: I'm not interfering.	08:52:42
14	MR. STERN: You are.	08:52:44
15	MR. JORDAN: I'm just not going to allow	08:52:45
16	you to just power over and change the way that	08:52:47
17	depositions are handled.	08:52:49
18	MR. STERN: You don't know what my	08:52:50
19	question is yet. Let me ask my question.	08:52:51
20	BY MR. STERN:	08:52:51
21	Q There's a statement there at the end that	08:52:51
22	says "Daniel White reminded that David Boshea has	08:52:54

1	the severance agreement and noted Compass	08:52:56
2	Marketing's obligations."	08:52:59
3	Mr. White, is that a true statement?	08:52:59
4	MR. JORDAN: All right, can I read the	08:53:02
5	interrogatory question now?	08:53:03
6	MR. STERN: You can read it as I'm asking	08:53:04
7	questions.	08:53:06
8	MR. JORDAN: No, because I don't know	08:53:07
9	whether I can object until I read the	08:53:08
10	interrogatory.	08:53:12
11	MR. STERN: It's not your basis to object.	08:53:12
12	You're not representing Daniel White.	08:53:15
13	MR. JORDAN: I am a party's -- I'm the	08:53:17
14	counsel for a party. It's absolutely my basis to	08:53:18
15	object. I don't know about you but I've been to	08:53:21
16	depositions before.	08:53:23
17	MR. STERN: You can't wait for me -- I	08:53:24
18	can't sit here and wait for you to read through	08:53:28
19	these questions to decide whether or not you're	08:53:31
20	going to make an objection.	08:53:33
21	MR. JORDAN: Well, guess what? You're	08:53:34
22	going to have to because that's the proper	08:53:35

1	procedure.	08:53:37
2	MR. STERN: If the statement in your	08:53:45
3	answer is correct -- I'm asking Mr. White whether	08:53:45
4	it's true.	08:53:45
5	MR. JORDAN: That's the proper procedure	08:53:45
6	for running a deposition, Stephen.	08:53:45
7	MR. STERN: This is my deposition. I'm	08:53:45
8	asking a simple question.	08:53:46
9	BY MR. STERN:	08:53:46
10	Q Mr. White, the answer -- the last line in	08:53:47
11	the Answer to Interrogatory says "Daniel White	08:53:52
12	reminded that David Boshea has the severance	08:53:54
13	agreement and noted Compass Marketing's	08:53:56
14	obligations."	08:53:59
15	Is that a true statement?	08:53:59
16	MR. MARCUS: Can you tell us when this	08:54:01
17	event took place so that we actually have some	08:54:02
18	context for this statement?	08:54:05
19	MR. STERN: It's talking about	08:54:06
20	communications between Mr. Boshea and Mr. White.	08:54:07
21	MR. MARCUS: The question again, sir, is	08:54:11
22	when did this supposedly take place?	08:54:13

1 MR. STERN: That's not my question. I'm
2 asking whether or not -- if he needs a qualifying
3 question then let him do it. You're not
4 testifying.

5 Do you want me to question you,
6 Mr. Marcus?

7 MR. MARCUS: The question, sir, has to be
8 a fair question. There is no context for the
9 time. There is no indication of when, where or
10 how --

11 MR. STERN: Stop with the speaking
12 objections. Stop with the speaking objections.
13 You know that's not appropriate.

14 MR. JORDAN: Stephen, that's not a
15 speaking objection.

16 MR. STERN: It is. He can note his
17 objection. It's called form. Note it and move
18 on.

19 MR. JORDAN: No, form is not a proper
20 objection. Reference to the -- reference to the
21 Federal Rules of Evidence is a proper objection.
22

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1 MR. STERN: I see what the plan is here,
2 how each of you are going to talk as much as you
3 can during the deposition to try to run out the
4 hours and that's not going to work. We will make
5 sure the Court is well aware of that and it's not
6 going to fly.

7 MR. MARCUS: I object to you asking
8 questions about something that has no time and no
9 context, asking the witness to respond to somebody
10 else's Answers to Interrogatories as --

11 MR. STERN: I'm asking whether it's a true
12 statement. Did he remind David Boshea about the
13 severance agreement? It's a simple question.
14 This isn't complicated. The answer is yes or no.
15 Is it true or false?

16 BY MR. STERN:

17 Q Mr. White, please answer the question.

18 MR. MARCUS: Objection. Answer.

19 A Let me read the answer, please.

20 (Pause in the proceedings.)

21 I do not remember if I'm the one who
22 reminded him of that or not.

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1	BY MR. STERN:	08:56:09
2	Q So you don't know whether it's true or	08:56:09
3	false?	08:56:11
4	A That's not what I said. I said I do not	08:56:12
5	remember if I'm the one who reminded him of that	08:56:17
6	or not.	08:56:20
7	Q Well, it doesn't say that Daniel White is	08:56:20
8	the one person who reminded David Boshea. It's	08:56:23
9	asking -- the statement says Daniel White reminded	08:56:26
10	David Boshea.	08:56:28
11	MR. MARCUS: Asked and answered. He's	08:56:31
12	answered the question.	08:56:32
13	BY MR. STERN:	08:56:34
14	Q Did you remind him about the severance	08:56:34
15	agreement, yes or no?	08:56:38
16	MR. MARCUS: Answer again.	08:56:39
17	A I do not remember.	08:56:40
18	BY MR. STERN:	08:56:44
19	Q Scrolling down to Answer to Interrogatory	08:56:45
20	Number 6, Mr. Boshea testified under oath that	08:56:50
21	"Daniel White and John White flew to Chicago to	08:56:52
22	meet David Boshea to sell him on Compass Marketing	08:56:55

1 and the opportunities Compass Marketing

08:56:59

2 presented."

08:57:02

3 Is that a true statement?

08:57:02

4 A Let me read the answer, sir.

08:57:04

5 Q I just read it for you.

08:57:07

6 MR. MARCUS: Okay, you reading it is not
7 the same as him looking at it. If you want him to
8 answer questions about it you will give him an
9 opportunity to read it.

08:57:09

08:57:11

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08:57:17

10 (Pause in the proceedings.)

08:57:33

11 A Would you ask me the question again, sir?

08:57:39

12 BY MR. STERN:

08:57:41

13 Q Is that a true statement, that Daniel
14 White and John White flew to Chicago to meet David
15 Boshea to sell him on Compass Marketing and the
16 opportunities Compass Marketing presented?

08:57:41

08:57:44

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17 A It was one of the reasons I went to
18 Chicago with John and met with David.

08:57:51

08:57:54

19 Q What happened during those conversations
20 when you and John flew to Chicago to meet with
21 David Boshea?

08:57:57

08:57:59

08:58:03

22 A I don't remember the exact conversations

08:58:04

1	but it would make sense that --	08:58:06
2	MR. MARCUS: Don't guess.	08:58:10
3	A Okay. I don't remember the conversations.	08:58:11
4	BY MR. STERN:	08:58:13
5	Q Do you remember discussing any of the	08:58:14
6	substance of an employment offer with Mr. Boshea	08:58:15
7	during that meeting?	08:58:19
8	A I don't remember the details of an	08:58:20
9	employment offer.	08:58:23
10	Q What do you remember from that	08:58:26
11	conversation?	08:58:27
12	A I remember talking to David about how much	08:58:28
13	he could help Compass Marketing.	08:58:36
14	Q Anything else?	08:58:41
15	A I don't remember ever speaking about any	08:58:41
16	particular numbers or anything like that.	08:58:46
17	Q Do you remember speaking about any	08:58:48
18	severance terms?	08:58:51
19	A I do not remember anything like that.	08:58:52
20	Q Do you remember having telephone	08:58:55
21	conversations with Mr. Boshea either before or	08:58:59
22	after that meeting about employment with Compass	08:59:02

1	Marketing?	08:59:10
2	MR. JORDAN: Objection to the limitation	08:59:10
3	as -- the lack of limitation as to time.	08:59:12
4	A Mr. Stern, are you asking me if I've had	08:59:20
5	those conversations in my life or before he was	08:59:24
6	hired by Compass?	08:59:27
7	MR. STERN: Before he was hired.	08:59:28
8	A I had numerous conversations with David	08:59:31
9	about coming on board with Compass Marketing	08:59:36
10	before he was hired.	08:59:37
11	BY MR. STERN:	08:59:38
12	Q And what did you discuss with him during	08:59:38
13	those phone conversations?	08:59:40
14	A They weren't all phone conversations.	08:59:41
15	Q So you flew out to Chicago more than once	08:59:44
16	to meet with him about employment?	08:59:48
17	A No, sir. I've known David for 30 years	08:59:49
18	and we talked about David coming on board with	08:59:53
19	Compass before we even started the company.	08:59:55
20	Q When you were having these conversations	08:59:59
21	with Mr. Boshea -- and when was Mr. Boshea hired	09:00:02
22	by Compass Marketing?	09:00:05

1	MR. MARCUS: Would you figure out which	09:00:07
2	question you want him to answer, please?	09:00:09
3	BY MR. STERN:	09:00:11
4	Q When was Mr. Boshea hired by Compass	09:00:12
5	Marketing?	09:00:14
6	A I do not remember the date or remember the	09:00:14
7	time frame.	09:00:18
8	Q In that time frame when you were having	09:00:18
9	those conversations with Mr. Boshea to come on	09:00:20
10	board as an employee of Compass Marketing, what	09:00:23
11	was your role for Compass Marketing?	09:00:26
12	MR. MARCUS: Objection. Answer please.	09:00:30
13	A I was an owner of Compass Marketing. I	09:00:31
14	was a director of Compass Marketing. I was an	09:00:35
15	employee of Compass Marketing.	09:00:38
16	BY MR. STERN:	09:00:40
17	Q What was your title as an employee of	09:00:40
18	Compass Marketing?	09:00:45
19	MR. MARCUS: At what point in time, sir?	09:00:47
20	MR. STERN: At the time he's having these	09:00:49
21	discussions with David Boshea to become an	09:00:52
22	employee.	09:00:55

1	A I probably talked to David a number of	09:00:55
2	times over the ten years before he came on board	09:00:58
3	with Compass Marketing.	09:01:03
4	BY MR. STERN:	09:01:04
5	Q Okay. At the time that you flew to	09:01:04
6	Chicago with John and met with Mr. Boshea.	09:01:07
7	MR. MARCUS: What?	09:01:09
8	BY MR. STERN:	09:01:10
9	Q What was your job title?	09:01:11
10	A I don't remember the exact dates that I	09:01:12
11	flew to Chicago. It's probably 20 years ago. I	09:01:15
12	don't remember (inaudible) --	09:01:21
13	MR. MARCUS: Please don't interrupt him.	09:01:21
14	BY MR. STERN:	09:01:27
15	Q I'm sorry, I couldn't hear you. Go ahead.	09:01:27
16	A It's probably 20 years ago the trip that	09:01:29
17	I'm remembering that we went to Chicago on behalf	09:01:31
18	of Advil and we met with David and one of the	09:01:34
19	topics that we discussed was him coming on board	09:01:38
20	with Compass. It was a discussion we had on more	09:01:41
21	than one occasion in the ten years between the	09:01:46
22	time he helped us start Compass and the time that	09:01:48

1	he came on board with Compass.	09:01:52
2	Q What was your job title at that time?	09:01:54
3	A I do not remember having one.	09:01:58
4	Q How many hours a week approximately did	09:02:01
5	you work for Compass?	09:02:03
6	MR. MARCUS: At what point in time, sir?	09:02:06
7	MR. STERN: We're talking about the same	09:02:08
8	time frame. I haven't changed the time frame.	09:02:10
9	A I don't remember the exact hours that I	09:02:13
10	worked. It was a lot.	09:02:16
11	BY MR. STERN:	09:02:19
12	Q And this was while you were also a	09:02:19
13	full-time employee for the State's Attorney's	09:02:21
14	Office?	09:02:24
15	A That's correct.	09:02:24
16	Q So when did you perform your duties for	09:02:26
17	Compass Marketing if you were working full-time	09:02:30
18	for the State's Attorney's Office?	09:02:32
19	MR. MARCUS: Objection.	09:02:34
20	MR. JORDAN: Objection to relevance.	09:02:35
21	BY MR. STERN:	09:02:41
22	Q Mr. White?	09:02:43

1	MR. MARCUS: What, if anything, does this	09:02:44
2	have to do with the discovery in this case?	09:02:45
3	BY MR. STERN:	09:02:48
4	Q Mr. White, please answer the question.	09:02:49
5	A Would you ask the question again, sir?	09:02:53
6	Q When did you perform your job duties for	09:02:56
7	Compass Marketing if you were working full-time	09:02:58
8	for the State's Attorney's Office at that time?	09:03:00
9	MR. MARCUS: Objection. Again, this has	09:03:03
10	nothing to do with the claims that have been made.	09:03:07
11	Use your time as you wish, sir.	09:03:11
12	Go ahead. Answer if you can.	09:03:15
13	A I worked for Compass Marketing for	09:03:17
14	25 years. Some of that time I did not work at the	09:03:21
15	State's Attorney's Office. Some of that time I	09:03:24
16	did. I worked on Compass when I wasn't working at	09:03:26
17	the State's Attorney's Office.	09:03:31
18	BY MR. STERN:	09:03:33
19	Q I thought earlier you had said you had	09:03:33
20	been employed by the State's Attorney's Office for	09:03:35
21	20 years?	09:03:37
22	A And I've been employed by Compass for 25.	09:03:38

1 Q So when during the past 20 years were you
2 not employed by the State's Attorney's Office?

3 A There's been no time in the last 20 years
4 that I've not been employed by the State's
5 Attorney's Office but I believe that my trip to
6 Chicago that you're talking about -- I don't have
7 a perfect recollection but I think that was before
8 I began at the State's Attorney's Office but I'm
9 not sure.

10 Q Well, doing the math you've been at the
11 State's Attorney's Office for 20 years. That
12 means you started working there in 2001?

13 A Well, I didn't start -- I started
14 part-time and then I became full-time in 2002.

15 Q And the meeting that you were having when
16 you flew out to Chicago, you talked about some
17 particular deal. I think it -- was it Advil? I
18 couldn't hear the name of the product you were
19 talking about.

20 A I think that --

21 MR. JORDAN: Objection to relevance to
22 this lawsuit.

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1	BY MR. STERN:	09:04:47
2	Q Go ahead, Mr. White.	09:04:48
3	A I think that is one of the products we	09:04:50
4	talked about was Advil. I think that was the	09:04:53
5	primary client of ours that we were working for	09:04:55
6	that trip. It probably wasn't the only one.	09:05:00
7	MR. STERN: I want to turn to Mr. Boshea's	09:05:11
8	Supplemental Answers to Interrogatories. This	09:05:14
9	will be Exhibit 3.	09:05:18
10	(D. White Deposition Exhibit 3 was marked	09:05:18
11	for identification and attached to the	09:05:18
12	transcript.)	09:05:58
13	MR. MARCUS: Is the plan to show us this	09:05:58
14	or send it to us?	09:06:01
15	MR. STERN: Has it been sent yet?	09:06:03
16	MS. YEUNG: Yes, I'm doing the sending as	09:06:06
17	we speak.	09:06:09
18	BY MR. STERN:	09:06:10
19	Q I'm going to ask a question before getting	09:06:10
20	into some of the Answers to Interrogatories.	09:06:15
21	Mr. White, were you present for any	09:06:16
22	meeting where Mr. -- where an employment agreement	09:06:20

1	was signed by Mr. Boshea or your brother, John	09:06:24
2	White?	09:06:30
3	A I do not think so.	09:06:30
4	Q Is it you're not sure?	09:06:34
5	A I do not think that I was present for any	09:06:40
6	meeting where people signed an employment contract	09:06:43
7	for David Boshea.	09:06:47
8	Q I'm trying to understand when you say "I	09:06:48
9	do not think." I mean that sounds like you're	09:06:50
10	uncertain.	09:06:52
11	Am I misunderstanding your answer?	09:06:52
12	MR. MARCUS: Objection to the form of the	09:06:55
13	question.	09:06:56
14	A I don't know how else to answer that. I	09:06:59
15	do not remember being present for anything like	09:07:02
16	that.	09:07:04
17	BY MR. STERN:	09:07:05
18	Q Okay. Do you remember attending a board	09:07:08
19	meeting on July 17, 2015?	09:07:13
20	MR. JORDAN: Objection to relevance to	09:07:18
21	this lawsuit.	09:07:21
22		

1	MR. STERN: This is in your Answers to	09:07:22
2	Interrogatories, Mr. Jordan.	09:07:23
3	MR. JORDAN: That's fine. I can only	09:07:25
4	respond to your interrogatories. That doesn't	09:07:26
5	mean they're relevant to the lawsuit.	09:07:29
6	BY MR. STERN:	09:07:32
7	Q Mr. White?	09:07:32
8	A Can you ask me the question again, sir?	09:07:33
9	Q Do you remember attending a Compass	09:07:37
10	Marketing board meeting on July 17, 2015?	09:07:39
11	A No, sir.	09:07:42
12	Q I'm sorry?	09:07:43
13	A No, sir.	09:07:44
14	Q Do you remember at some point during any	09:07:53
15	board meeting where your brother, John White said	09:07:57
16	to you that he may be doing some jail time?	09:08:03
17	MR. MARCUS: At any point in time in the	09:08:11
18	history of the world?	09:08:13
19	MR. STERN: I said during any board	09:08:14
20	meeting for Compass Marketing.	09:08:16
21	MR. MARCUS: I'm sorry, who made the	09:08:23
22	statement?	09:08:25

1	MR. STERN: I'm asking whether or not he	09:08:25
2	recalls his brother making a statement to that	09:08:27
3	effect. This is in the Answers to	09:08:30
4	Interrogatories, Number 5.	09:08:33
5	A Can I read the answer?	09:08:33
6	MR. STERN: I'm sorry, Number 3.	09:08:36
7	MR. MARCUS: Which one should we be	09:08:38
8	looking at?	09:08:41
9	MR. STERN: The supplemental one. It's on	09:08:42
10	page six.	09:08:47
11	MR. MARCUS: Okay, thank you.	09:08:49
12	MR. JORDAN: I believe you're -- I object	09:08:50
13	to you misstating the answer to the interrogatory.	09:08:51
14	MR. MARCUS: And I object too. According	09:09:21
15	to the answer to interrogatory the statement was	09:09:26
16	made by it looks like you, Mr. Stern, as opposed	09:09:27
17	to John White.	09:09:29
18	MR. STERN: Fair enough.	09:09:30
19	MR. MARCUS: Apparently that's not the	09:09:32
20	case.	09:09:35
21	BY MR. STERN:	09:09:36
22	Q So Mr. White, is it true on July 17, 2015	09:09:37

Transcript of Daniel J. White
Conducted on November 29, 2021

47

1	that I informed you that John White said he would	09:09:41
2	be doing some jail time for securities violations?	09:09:44
3	A That you, Mr. Stern advised me that?	09:09:50
4	Q Yes.	09:09:53
5	A That would not be true. I didn't know you	09:09:53
6	in 2015.	09:09:59
7	MR. STERN: I'm going to show you what I	09:10:26
8	think is Exhibit 4. It's Bates labeled DJW 000093	09:10:29
9	through 94.	09:10:35
10	(D. White Deposition Exhibit 4 was marked	09:10:35
11	for identification and attached to the	09:10:35
12	transcript.)	09:10:55
13	BY MR. STERN:	09:10:55
14	Q Do you recognize this document as one of	09:10:56
15	the documents you produced in the response to the	09:10:59
16	subpoena?	09:11:01
17	MR. MARCUS: Once we get it we'll probably	09:11:05
18	be able to take a look at it.	09:11:07
19	Thank you. We've received it.	09:11:22
20	BY MR. STERN:	09:11:46
21	Q The first e-mail in the string is from you	09:11:46
22	to Mr. Tom Gagliardo dated January 15, 2021 at	09:11:48

1	8:44 p.m., do you see that?	09:11:56
2	MR. MARCUS: When you say "the first" are	09:11:57
3	you talking about the bottom?	09:11:59
4	MR. STERN: The original e-mail in the	09:12:01
5	string.	09:12:02
6	MR. MARCUS: Okay. Well, we were looking	09:12:03
7	at the top one.	09:12:05
8	BY MR. STERN:	09:12:10
9	Q Did you send that e-mail?	09:12:11
10	MR. MARCUS: Let us take a look at it,	09:12:12
11	please.	09:12:14
12	(Pause in the proceedings.)	09:12:15
13	A It looks like an e-mail that I sent.	09:12:40
14	BY MR. STERN:	09:12:43
15	Q And in that e-mail you're referring	09:12:44
16	Mr. Jordan, Mr. Boshea's attorney to Mr. Gagliardo	09:12:46
17	in connection with this lawsuit to be filed	09:12:51
18	against Compass Marketing, correct?	09:12:53
19	A Yeah, it would sound correct.	09:12:56
20	Q And it says you've referred other former	09:13:01
21	employees or current employees -- let me rephrase.	09:13:05
22	You've referred other employees of Compass	09:13:08

1	Marketing to Mr. Gagliardo's law firm, correct?	09:13:10
2	A Let me reread that.	09:13:18
3	(Pause in the proceedings.)	09:13:18
4	Would you ask your question again, sir,	09:13:33
5	I'm sorry?	09:13:35
6	Q You referred other employees of Compass	09:13:36
7	Marketing to Mr. Gagliardo's law firm?	09:13:42
8	A I do not believe so.	09:13:44
9	Q Who is Annette that you referred to	09:13:46
10	Mr. Gagliardo's law firm?	09:13:49
11	A Annette was an employee of St. Mary's	09:13:51
12	County Government.	09:13:54
13	Q Okay. And in your e-mail to Mr. Gagliardo	09:13:58
14	that you copied Mr. Jordan says "because I had	09:14:05
15	experience with Gilbert Law when they fairly and	09:14:07
16	vigorously represented employees I know against an	09:14:12
17	Annapolis company."	09:14:14
18	Did you refer those employees to	09:14:16
19	Mr. Gagliardo's law firm?	09:14:18
20	A I did not. I don't remember --	09:14:21
21	Q Prior to sending this e-mail did you have	09:14:28
22	any conversations with Mr. Jordan about this	09:14:30

1	lawsuit?	09:14:33
2	MR. MARCUS: Prior to the e-mail?	09:14:35
3	MR. STERN: Yes.	09:14:37
4	MR. MARCUS: Okay.	09:14:38
5	A I do not remember but it would make sense	09:14:40
6	that I did based on the e-mail.	09:14:44
7	BY MR. STERN:	09:14:47
8	Q Do you remember how many times you spoke	09:14:47
9	with Mr. Jordan before sending that e-mail?	09:14:49
10	A I do not remember the exact number of	09:14:52
11	times.	09:14:55
12	Q Would you say more or less than five?	09:14:56
13	MR. MARCUS: Objection. Don't guess.	09:15:01
14	A I don't know the number of calls that I	09:15:05
15	had with Mr. Jordan.	09:15:09
16	BY MR. STERN:	09:15:10
17	Q Did you tell David Boshea about filing	09:15:10
18	this lawsuit prior to sending that e-mail?	09:15:13
19	A I do not remember speaking to him about	09:15:18
20	specifically filing a lawsuit.	09:15:21
21	Q I want to go up to the first e-mail in	09:15:24
22	that string. It's dated -- or I guess the most	09:15:26

1 recent e-mail in that string. It's dated May 27,
2 2021 at 5:05 p.m.

3 A I would like to read the middle one as
4 well, sir, so I can have a frame of reference.

5 (Pause in the proceedings.)

6 I've had a chance to read it, sir.

7 Q Now, the e-mail on May 27, 2021 says "I
8 noted in Pacer that" -- it's an e-mail from you to
9 Greg Jordan. "I noted in Pacer that Compass did
10 not include an LR 103.3 disclosure with their
11 answer."

12 Are you working collaboratively with
13 Mr. Jordan on prosecuting this lawsuit?

14 MR. MARCUS: Objection. Answer please.

15 A I don't know what you mean collaboratively
16 but I don't think so.

17 BY MR. STERN:

18 Q Is there a reason why you were monitoring
19 the filings in this lawsuit about a disclosure?

20 MR. JORDAN: Objection, vague. I don't
21 know what you mean about disclosure.
22

1	MR. MARCUS: Objection. Answer please.	09:17:14
2	A Yes.	09:17:15
3	BY MR. STERN:	09:17:17
4	Q Why were you monitoring this lawsuit	09:17:17
5	related to the disclosures that were filed?	09:17:21
6	MR. MARCUS: Objection. Answer please.	09:17:26
7	A Because I'm trying to keep track of what's	09:17:27
8	going on with Compass Marketing.	09:17:30
9	BY MR. STERN:	09:17:32
10	Q Why are you trying to keep track of what's	09:17:33
11	going on with Compass Marketing?	09:17:35
12	MR. MARCUS: Objection. Answer please.	09:17:37
13	A Because I'm an owner of Compass Marketing.	09:17:39
14	BY MR. STERN:	09:17:43
15	Q And how much of the company do you own?	09:17:43
16	A I believe that I own 25 percent,	09:17:46
17	Mr. Stern.	09:17:49
18	Q When you say you believe that sounds to me	09:17:51
19	you're not sure. Are you not sure of how much you	09:17:55
20	own?	09:17:58
21	MR. MARCUS: Objection. Answer please.	09:17:59
22	A I believe that I own 25 percent of Compass	09:18:01

1	Marketing.	09:18:01
2	BY MR. STERN:	09:18:05
3	Q Why do you believe you own 25 percent of	09:18:05
4	Compass Marketing?	09:18:09
5	A Because that's how many shares that I	09:18:11
6	have. That's been my position for a long time.	09:18:15
7	MR. STERN: I'll circle back to that	09:18:21
8	shortly. I would like to go to the next -- I	09:18:25
9	don't know what exhibit number we're up to but the	09:18:28
10	next one is DJW 000292.	09:18:31
11	MR. JORDAN: I think this is Exhibit 5 but	09:18:35
12	Heather can correct me.	09:18:38
13	MR. STERN: And it continues on to 293.	09:18:40
14	(D. White Deposition Exhibit 5 was marked	09:18:40
15	for identification and attached to the	09:18:40
16	transcript.)	09:18:40
17	BY MR. STERN:	09:18:52
18	Q It's an e-mail string with the most recent	09:18:52
19	being January 12, 2021 at 2:53 p.m. The original	09:18:55
20	one is December 19, 12:50 p.m. from Greg Jordan to	09:18:59
21	you.	09:19:05
22		

1	MR. MARCUS: As soon as we get to look at	09:19:05
2	it we'll have some context as well.	09:19:07
3	MR. STERN: It's on the screen.	09:19:10
4	MR. MARCUS: It may be on the screen but	09:19:11
5	it's not the entirety.	09:19:14
6	Which one is it that you would like us to	09:19:19
7	look at, sir?	09:19:22
8	MR. STERN: Let's start with the original	09:19:22
9	e-mail in the string.	09:19:24
10	MR. MARCUS: Thank you.	09:19:27
11	BY MR. STERN:	09:19:30
12	Q Mr. White, what was this e-mail about	09:19:31
13	dated December 19, 2020 at 12:50 p.m. where	09:19:34
14	Mr. Jordan just wrote "Confirm"?	09:19:38
15	A I do not know.	09:19:41
16	Q Well, the next e-mail in the string is	09:19:42
17	from you to Mr. Jordan on the same date	09:19:44
18	approximately 45 minutes later and it says "Good	09:19:52
19	afternoon. Good talking with you."	09:19:57
20	What did you discuss with Mr. Jordan?	09:19:59
21	A I do not remember.	09:20:03
22	Q The next line in the e-mail says "I will	09:20:06

1	send you an e-mail Monday with a few things that	09:20:08
2	may be of use."	09:20:11
3	Did you send that e-mail?	09:20:13
4	A It looks like an e-mail that I sent.	09:20:15
5	Q But the e-mail says "I will send you an	09:20:18
6	e-mail on Monday with a few things that may be of	09:20:21
7	use."	09:20:24
8	What did you plan to send Mr. Jordan that	09:20:24
9	would be of use?	09:20:27
10	A I do not remember.	09:20:27
11	Q When you're referring to things that would	09:20:28
12	be of use, were you referring to things that would	09:20:32
13	be of use in the litigation against Compass	09:20:35
14	Marketing?	09:20:39
15	MR. MARCUS: Objection. Answer please.	09:20:39
16	A I do not remember.	09:20:41
17	BY MR. STERN:	09:20:42
18	Q What would you be discussing -- what did	09:20:43
19	you discuss with Mr. -- let me rephrase the	09:20:44
20	question.	09:20:47
21	Did you discuss anything with Mr. Jordan	09:20:48
22	other than the potential lawsuit against Compass	09:20:50

1	Marketing at that time?	09:20:54
2	MR. MARCUS: Objection, misstates prior	09:20:55
3	testimony.	09:20:57
4	When is it that we're referring to, sir?	09:20:57
5	MR. STERN: He's referring to a	09:21:00
6	conversation that he had.	09:21:01
7	BY MR. STERN:	09:21:01
8	Q So did you discuss anything with	09:21:03
9	Mr. Jordan other than matters related to this	09:21:06
10	lawsuit?	09:21:08
11	MR. MARCUS: Prior to --	09:21:11
12	MR. STERN: Please stop interfering with	09:21:13
13	the question. You can note your objection if you	09:21:16
14	think it's vague. No talking objections, please.	09:21:18
15	MR. JORDAN: Objection. Time frame?	09:21:21
16	BY MR. STERN:	09:21:23
17	Q Go ahead, Mr. White.	09:21:24
18	MR. MARCUS: Answer if you're able.	09:21:26
19	A Mr. Stern, would you ask the question	09:21:27
20	again, please?	09:21:31
21	BY MR. STERN:	09:21:31
22	Q Did you discuss anything with Mr. Jordan	09:21:31

1	other than the matters related to this lawsuit	09:21:34
2	prior to its filing?	09:21:36
3	A I do not remember doing so.	09:21:40
4	Q Is there anything that would help you	09:21:44
5	remember?	09:21:45
6	A I do not think so.	09:21:49
7	Q Let's go to the top e-mail in this string	09:21:51
8	dated January 12, 2021 at 2:53 p.m. It's from you	09:21:53
9	to Mr. Jordan. You say "I am happy to help."	09:21:58
10	What are you referring to?	09:22:03
11	A I assume Mr. Jordan's work.	09:22:08
12	Q And does that mean help with respect to	09:22:11
13	the lawsuit against Compass Marketing?	09:22:13
14	A I do not know but makes sense.	09:22:18
15	Q It's fair to infer that you're referring	09:22:24
16	to helping with the litigation against Compass	09:22:28
17	Marketing, correct?	09:22:32
18	MR. JORDAN: Objection to what your	09:22:32
19	reference is. I'm not sure what relevance your	09:22:35
20	reference is.	09:22:36
21	BY MR. STERN:	09:22:37
22	Q I couldn't hear you, Mr. White. Please go	09:22:37

1	ahead.	09:22:40
2	A Would you ask me the question again, sir?	09:22:40
3	Q It's fair to infer that when you're	09:22:42
4	referring to "I am happy to help" you're referring	09:22:45
5	to helping with the litigation against Compass	09:22:47
6	Marketing; is that correct?	09:22:51
7	MR. JORDAN: Same objection.	09:22:51
8	MR. MARCUS: Objection.	09:22:52
9	A I don't know what's fair to infer.	09:22:53
10	BY MR. STERN:	09:22:56
11	Q Can you repeat the answer?	09:22:57
12	A I do not know what's fair for you to	09:22:58
13	infer.	09:23:01
14	Q Well, when you wrote that e-mail were you	09:23:01
15	referring to helping Mr. Jordan with the	09:23:04
16	litigation against Compass Marketing?	09:23:06
17	MR. MARCUS: Objection.	09:23:09
18	A Mr. Stern, I was probably helping	09:23:12
19	Mr. Jordan with what he asked me for help on.	09:23:15
20	BY MR. STERN:	09:23:19
21	Q What did he ask you to help on?	09:23:19
22	A I do not remember that specific	09:23:21

1	conversation.	09:23:23
2	Q Was it your intent to help Mr. Jordan with	09:23:25
3	the litigation against Compass Marketing?	09:23:28
4	MR. MARCUS: Objection.	09:23:31
5	A My intent to help Mr. Jordan were with the	09:23:33
6	things that he asked me to help.	09:23:45
7	BY MR. STERN:	09:23:46
8	Q What did he ask you to help with?	09:23:46
9	A I do not remember the specific things that	09:23:48
10	he asked me to help with.	09:23:51
11	Q Did he ask you to help with things in	09:23:53
12	connection with the litigation against Compass	09:23:56
13	Marketing?	09:23:58
14	MR. MARCUS: Objection, asked and	09:23:58
15	answered. Answer it again.	09:24:00
16	A He asked me for a number of things and I	09:24:01
17	helped him when I could.	09:24:04
18	BY MR. STERN:	09:24:06
19	Q So what would help you remember what those	09:24:06
20	things were that he asked you to help with?	09:24:08
21	A I do not know.	09:24:13
22	Q So as you're sitting here you have no	09:24:18

1 recollection as to whether or not Mr. Jordan asked
2 you to help with the litigation against Compass
3 Marketing?

09:24:20

09:24:23

09:24:23

4 MR. JORDAN: Objection. That misstates
5 his testimony.

09:24:27

09:24:28

6 A It does. For example, he asked me to help
7 him find local counsel so I helped him do that.

09:24:30

09:24:32

8 BY MR. STERN:

09:24:36

9 Q Did you do anything else to help with the
10 litigation against Compass Marketing?

09:24:36

09:24:38

11 MR. MARCUS: Objection to form. Answer
12 please.

09:24:41

09:24:43

13 MR. JORDAN: Objection, vague.

09:24:45

14 A Did I do anything else? I do not know.

09:24:47

15 MR. STERN: I'm going to go to the next
16 exhibit. It's Bates labeled DJW 000894 to 000897.
17 It's an e-mail string with the most recent being
18 February 5, 2021 at 12:19 p.m. and the original in
19 the string is dated February 4, 2021 at 3:34 p.m.

09:24:52

09:24:54

09:25:03

09:25:07

09:25:13

20 (D. White Deposition Exhibit 6 was marked
21 for identification and attached to the
22 transcript.)

09:25:13

09:25:13

09:25:21

1 BY MR. STERN:

09:25:21

2 Q I want to direct your attention to an
3 e-mail in that string dated February 5, 2021 at
4 10:51 a.m.

09:25:21

09:25:23

09:25:28

5 MR. MARCUS: Hang on one second. As soon
6 as we get it up.

09:25:29

09:25:31

7 Which one would you like him to look at?

09:25:34

8 MR. STERN: February 5, 2021 at 10:51 a.m.
9 from Greg Jordan to Mr. Dan Binder, Tom Gagliardo
10 with a copy to David Boshea. I'm sorry, that's --
11 my apologies. That is then ultimately forwarded
12 to you, Mr. White, on February 5th at 12:19 p.m.,
13 do you see that?

09:25:36

09:25:42

09:25:46

09:25:52

09:25:55

09:25:59

14 MR. MARCUS: Let's see if we can figure
15 out which one you actually want him to look at,
16 please.

09:26:02

09:26:03

09:26:06

17 BY MR. STERN:

09:26:07

18 Q Do you see that e-mail that was forwarded
19 to you, Mr. White?

09:26:07

09:26:10

20 A Which e-mail are you speaking about,
21 Mr. Stern?

09:26:12

09:26:16

22 Q This e-mail thread. It was forwarded to

09:26:16

1	you on February 5, 2021 at 12:19 p.m., correct?	09:26:20
2	A It would appear to be.	09:26:22
3	Q Why did Mr. Jordan communicate with you	09:26:24
4	about the registered agent in Maryland?	09:26:27
5	MR. MARCUS: Objection.	09:26:31
6	MR. JORDAN: Objection, misstates the	09:26:32
7	exhibit.	09:26:34
8	BY MR. STERN:	09:26:35
9	Q The e-mail below says "Dan, See the	09:26:36
10	attached for the registered agent in Maryland" and	09:26:39
11	that was forwarded to you, correct, Mr. White?	09:26:42
12	A No, sir.	09:26:44
13	Q That wasn't forwarded to you?	09:26:46
14	A It was not.	09:26:47
15	Q So then what is this e-mail?	09:26:48
16	A I do not know.	09:26:51
17	MR. JORDAN: Objection, vague. I don't	09:26:53
18	know what you mean, what is this e-mail.	09:26:54
19	BY MR. STERN:	09:26:56
20	Q So you're denying that Mr. Jordan	09:26:56
21	forwarded an e-mail -- I'm sorry, Mr. Boshea	09:26:59
22	forwarded an e-mail to you on February 5, 2021?	09:27:03

1	MR. MARCUS: It was not your	09:27:08
2	representation at any point, sir, that Mr. Jordan	09:27:09
3	forwarded an e-mail to him I assume.	09:27:13
4	BY MR. STERN:	09:27:16
5	Q Mr. White, go ahead and answer the	09:27:16
6	question.	09:27:17
7	A Mr. Stern, would you ask me the question	09:27:18
8	again?	09:27:20
9	Q Did Mr. Boshea forward this e-mail to you	09:27:22
10	on February 5, 2021 at 12:19 p.m.?	09:27:24
11	A It would appear that he did.	09:27:28
12	Q Why was he communicating with you about	09:27:31
13	matters related to Compass Marketing?	09:27:33
14	MR. MARCUS: Objection.	09:27:37
15	MR. JORDAN: Objection to asking the	09:27:37
16	witness to speculate regarding what Mr. David	09:27:39
17	Boshea thought.	09:27:42
18	BY MR. STERN:	09:27:45
19	Q Did you have any communications with	09:27:45
20	Mr. Boshea about the filing of this lawsuit?	09:27:47
21	MR. JORDAN: Objection, asked and	09:27:50
22	answered.	09:27:55

1	A I had discussions with Mr. Boshea about	09:27:55
2	this lawsuit.	09:27:58
3	BY MR. STERN:	09:28:01
4	Q Did you respond to this e-mail dated	09:28:01
5	February 5, 2021?	09:28:03
6	A I do not remember doing so.	09:28:06
7	Q Do you know why he asked you about is	09:28:09
8	Compass a Virginia company?	09:28:13
9	MR. MARCUS: Objection as to why	09:28:15
10	Mr. Boshea did something.	09:28:17
11	BY MR. STERN:	09:28:22
12	Q Mr. White, go ahead.	09:28:23
13	A Are you asking me why David Boshea --	09:28:25
14	Q Do you know why Mr. Boshea asked you about	09:28:27
15	that?	09:28:31
16	MR. JORDAN: Objection asking him about	09:28:32
17	Mr. Boshea's thoughts. Asking the witness to	09:28:34
18	speculate.	09:28:37
19	A I do not know why David sent that specific	09:28:40
20	e-mail to me if he did.	09:28:42
21	BY MR. STERN:	09:28:44
22	Q Did you offer to help Mr. Boshea in his	09:28:45

Transcript of Daniel J. White
Conducted on November 29, 2021

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1	lawsuit against Compass Marketing?	09:28:47
2	MR. JORDAN: Objection, asked and	09:28:50
3	answered.	09:28:54
4	A If David asked me for some help I tried to	09:28:54
5	help him.	09:28:57
6	BY MR. STERN:	09:29:06
7	Q Do you remember what he asked you to help	09:29:06
8	with?	09:29:09
9	A I do not.	09:29:09
10	MR. STERN: I want to turn to a new	09:29:12
11	exhibit, DJW 000900 through 907.	09:29:14
12	(D. White Deposition Exhibit 7 was marked	09:29:14
13	for identification and attached to the	09:29:14
14	transcript.)	09:29:39
15	BY MR. STERN:	09:29:39
16	Q Do you recognize this e-mail? It's an	09:29:40
17	e-mail that you -- the most recent one was dated	09:29:42
18	January 26, 2021 from you to your brother Michael	09:29:44
19	White and you were forwarding to him the e-mail	09:29:48
20	that Mr. Boshea sent to you on January 26, 2021 at	09:29:51
21	5:39 p.m., do you see that?	09:29:57
22		

1	MR. MARCUS: If you're going to ask us	09:29:58
2	about it you're going to have to let us to take a	09:29:59
3	look at what it is that you're asking questions	09:30:02
4	about.	09:30:05
5	BY MR. STERN:	09:30:05
6	Q Do you see those e-mails there, Mr. White?	09:30:06
7	A I just need a minute, Mr. Stern.	09:30:09
8	(Pause in the proceedings.)	09:30:20
9	Okay, if you'd ask me the question again,	09:30:35
10	please. I've had a chance to read it.	09:30:38
11	Q All right. The original e-mail in this	09:30:39
12	string is from Mr. Boshea to you, correct?	09:30:41
13	A It would appear to be.	09:30:44
14	Q And he's asking you whether or not	09:30:46
15	something looks correct and there's an attachment	09:30:48
16	to it, correct?	09:30:51
17	A That's what it appears.	09:30:52
18	Q Did you offer to help review documents for	09:30:55
19	Mr. Boshea in connection with this litigation	09:30:58
20	against Compass Marketing?	09:31:01
21	A I do not remember doing so.	09:31:03
22	Q Did you discuss offering Mr. Boshea the	09:31:06

1	opportunity to review any documents?	09:31:10
2	MR. MARCUS: Objection to the form of the	09:31:14
3	question.	09:31:15
4	A I do not remember doing so. I remember	09:31:18
5	telling --	09:31:18
6	BY MR. STERN:	09:31:21
7	Q Do you know why he asked you to review	09:31:21
8	this document that's attached to this e-mail?	09:31:23
9	MR. MARCUS: Mr. Stern, we have to let the	09:31:26
10	witness complete his answer before you ask the	09:31:27
11	next question, please. I recognize this is a	09:31:31
12	little unwieldy.	09:31:31
13	Finish your answer, please.	09:31:32
14	A I'm sorry, could you say the question	09:31:35
15	again, Mr. Stern?	09:31:37
16	BY MR. STERN:	09:31:38
17	Q Do you know why he asked you to review the	09:31:38
18	document that's attached to this e-mail?	09:31:40
19	MR. JORDAN: Objection. Asking the	09:31:44
20	witness to speculate regarding Mr. Boshea's	09:31:45
21	thoughts.	09:31:49
22	MR. STERN: It's not speculation. I asked	09:31:51

1	do you know why.	09:31:51
2	BY MR. STERN:	09:31:51
3	Q Do you know why he asked?	09:31:51
4	A I do not know why.	09:31:52
5	MR. JORDAN: Same objection. Still asking	09:31:52
6	him to speculate.	09:31:54
7	BY MR. STERN:	09:31:55
8	Q Why did you forward the e-mail to your	09:31:56
9	brother Michael?	09:31:57
10	A My brother Michael has some interest in	09:32:01
11	Compass as well.	09:32:03
12	Q So if you have an interest in Compass	09:32:09
13	Marketing and your brother Michael has an interest	09:32:14
14	in Compass Marketing wouldn't it be in your	09:32:15
15	interest to defend the company against litigation?	09:32:17
16	MR. MARCUS: Objection, form of the	09:32:22
17	question.	09:32:22
18	MR. JORDAN: Objection, relevance.	09:32:22
19	A It would be in the interest of Compass to	09:32:27
20	treat people fairly.	09:32:29
21	BY MR. STERN:	09:32:32
22	Q Do you want to see Compass Marketing held	09:32:32

1	liable to Mr. Boshea for his claims against the	09:32:36
2	company?	09:32:39
3	MR. MARCUS: Objection.	09:32:40
4	A I want Compass Marketing to be fair to the	09:32:42
5	people that work for Compass Marketing.	09:32:44
6	BY MR. STERN:	09:32:46
7	Q That's not my question.	09:32:46
8	Do you want to see Compass Marketing held	09:32:48
9	liable to Mr. Boshea for the claims he's brought	09:32:49
10	against the company?	09:32:52
11	MR. MARCUS: Objection. This line of	09:32:54
12	questions has nothing to do with the purpose of	09:32:58
13	this deposition. If you're asking questions that	09:33:00
14	are completely outside the scope you're doing it	09:33:04
15	at your peril.	09:33:08
16	BY MR. STERN:	09:33:10
17	Q Mr. White, please answer the question.	09:33:10
18	A Say the question again please, Mr. Stern.	09:33:13
19	Q Do you want to see Compass Marketing held	09:33:15
20	liable to Mr. Boshea for the claims he's brought?	09:33:17
21	MR. MARCUS: Objection.	09:33:21
22	A I would rather Compass Marketing make a	09:33:23

1	reasonable agreement with Mr. Boshea.	09:33:26
2	BY MR. STERN:	09:33:31
3	Q And if Compass Marketing doesn't reach an	09:33:33
4	agreement with Mr. Boshea, do you want to see	09:33:36
5	Compass Marketing held liable to Mr. Boshea for	09:33:39
6	the claims that he's brought?	09:33:42
7	MR. MARCUS: Objection, asked and	09:33:44
8	answered. Not a factual hypothetical situation.	09:33:45
9	BY MR. STERN:	09:33:59
10	Q Mr. White, please answer the question.	09:34:00
11	A I don't know the answer to if Compass	09:34:02
12	Marketing does not make a settlement. I don't	09:34:06
13	know the answer to that.	09:34:08
14	Q Well, it's really simple. If there's no	09:34:09
15	settlement do you want to see Mr. Boshea win this	09:34:11
16	lawsuit?	09:34:14
17	MR. MARCUS: Objection.	09:34:15
18	A I do not --	09:34:18
19	MR. MARCUS: Speculation.	09:34:20
20	A I do not know the answer to that question,	09:34:21
21	Mr. Stern. It depends on what you win.	09:34:24
22		

1	BY MR. STERN:	09:34:29
2	Q It is a pretty simple question.	09:34:30
3	What is it that you don't understand about	09:34:33
4	the question?	09:34:34
5	A I don't know what you mean by "win."	09:34:34
6	Q Do you want to see Compass Marketing held	09:34:36
7	liable to Mr. Boshea if there's no settlement	09:34:38
8	agreement reached?	09:34:42
9	MR. MARCUS: Objection, asked and	09:34:43
10	answered, hypothetical, speculation, does not call	09:34:45
11	for any facts. Answer if you can.	09:34:50
12	A I want Compass Marketing to be fair to	09:34:53
13	David Boshea. I don't have an answer for if	09:34:57
14	they're not fair to David Boshea what should	09:35:01
15	happen. I don't have an answer for that.	09:35:04
16	BY MR. STERN:	09:35:07
17	Q Mr. -- that's not an answer. This is do	09:35:07
18	you want to see Mr. Boshea prevail in this	09:35:11
19	litigation against Compass Marketing, yes or no?	09:35:14
20	MR. MARCUS: Objection, asked and	09:35:18
21	answered. He's answered it three times. I'm	09:35:20
22	going to ask you to move on.	09:35:22

1	BY MR. STERN:	09:35:24
2	Q Go ahead, Mr. White.	09:35:25
3	MR. MARCUS: Answer it again.	09:35:27
4	A I want Compass Marketing to be fair to	09:35:28
5	David Boshea. There would not be a Compass	09:35:30
6	Marketing without David Boshea. He worked for us	09:35:33
7	for 15 years. He was our most loyal person and we	09:35:36
8	should be fair to him. I do not have an answer to	09:35:39
9	the question of what happens if you and John are	09:35:43
10	not fair to him.	09:35:46
11	BY MR. STERN:	09:35:48
12	Q Why are you saying me and John? Do I own	09:35:48
13	part of Compass Marketing?	09:35:51
14	A I think you have a financial interest in a	09:35:54
15	business that has --	09:35:56
16	Q On what basis do you believe I've got a	09:36:00
17	financial interest in Compass Marketing?	09:36:04
18	MR. MARCUS: Objection. Answer please.	09:36:06
19	A On the fact that you started Smart Retail	09:36:13
20	in Wyoming.	09:36:19
21	BY MR. STERN:	09:36:20
22	Q So the fact that I served as counsel to	09:36:20

1	start a company named Smart Retail leads you to	09:36:23
2	believe I'm a part owner of Smart Retail?	09:36:27
3	MR. JORDAN: Objection, misstates his	09:36:30
4	testimony and assumes a fact not in evidence.	09:36:32
5	MR. MARCUS: And more than that,	09:36:34
6	Mr. Stern, to the extent that these questions are	09:36:36
7	about collateral matters, collateral matters	09:36:39
8	involving you and other witnesses, this has	09:36:42
9	absolutely nothing to do with the litigation	09:36:46
10	involving Mr. Boshea and --	09:36:49
11	MR. STERN: Mr. Marcus, are you suggesting	09:36:51
12	that your client knowingly filed a document in	09:36:53
13	federal court raising these issues in his brief	09:36:56
14	without any basis for doing so or without any	09:37:00
15	relevance to the litigation? Is that what the	09:37:02
16	position is you're taking?	09:37:04
17	MR. MARCUS: My position is that you are	09:37:05
18	here taking a deposition ostensibly in furtherance	09:37:07
19	of the discovery that's necessary in the case that	09:37:11
20	was filed by Mr. Boshea.	09:37:13
21	MR. STERN: That's right. Mr. White's	09:37:15
22	answer implicated me in this so now I'm going to	09:37:17

1 ask him some questions about it.

09:37:20

2 MR. JORDAN: Objection to the relevance of
3 the question of the lawsuit.

09:37:21

09:37:23

4 MR. STERN: When he answers a question I
5 then follow-up with questions based on the answers
6 he gives. Now please stop interfering with the
7 deposition.

09:37:24

09:37:29

09:37:30

09:37:33

8 BY MR. STERN:

09:37:33

9 Q Mr. White, on what basis do you conclude
10 that I have an ownership interest in Smart Retail?

09:37:33

09:37:37

11 MR. MARCUS: So here is where we are,
12 Mr. Stern, Rule 30 (b) (3) (A). I'm asking you,
13 sir, to terminate your line of questions that are
14 outside the scope of what the discovery in this
15 case would be. To the extent that you are now
16 asking him questions about your relationship with
17 other companies and the company of Compass, these
18 questions are completely irrelevant to a breach of
19 contract action that was filed by Mr. Boshea.

09:37:39

09:37:43

09:37:45

09:37:48

09:37:51

09:37:54

09:37:57

09:38:02

09:38:05

20 These questions relate to your personal
21 situation in collateral matters and I would remind
22 you, sir, that under 30 (b) (3) (A) the questions

09:38:08

09:38:11

09:38:14

1 that you put to him must be in good faith and they
2 must be related to the underlying claim. It has
3 nothing to do with you and --

4 MR. STERN: Mr. Marcus, please stop
5 interfering with my deposition. Your client was
6 the one that just implicated me in his answer to a
7 question. I didn't ask anything about me. He was
8 the one that brought me into the equation so I'm
9 now asking questions about his answers to the
10 questions I asked about his participation in this
11 lawsuit and whether he wants to see Mr. Boshea
12 prevail in this litigation. I was not the one
13 that brought me up.

14 BY MR. STERN:

15 Q Now Mr. White, please answer the question.

16 MR. JORDAN: Objection. That misstates
17 the witness's answer. You absolutely brought it
18 up.

19 MR. MARCUS: You did in fact bring it up,
20 Mr. Stern, and to represent otherwise fortunately
21 there's a record. You asked him about what
22 interest you supposedly had. You went down that

1	road. You were the one who introduced that whole	09:39:11
2	concept in this line of questioning.	09:39:13
3	MR. STERN: Because of his answer to a	09:39:14
4	question that I asked. Thank you.	09:39:15
5	MR. MARCUS: So let's pretend -- let's	09:39:16
6	pretend that --	09:39:20
7	MR. STERN: No, he doesn't get to answer a	09:39:20
8	question and then I don't get to follow-up.	09:39:22
9	That's not the way it works, Mr. Marcus, and you	09:39:23
10	know that.	09:39:26
11	MR. MARCUS: All right, so here is where	09:39:26
12	we are. I am now asking you to move on. I'm	09:39:28
13	asking you to limit on the grounds that I've	09:39:31
14	articulated, that I believe these lines -- the	09:39:34
15	line of questions is in bad faith. I do	09:39:37
16	believe --	09:39:40
17	MR. STERN: It isn't in bad faith because	09:39:40
18	he was the one that brought it up and it goes to	09:39:42
19	his credibility. Credibility is always relevant.	09:39:45
20	Credibility is always relevant and you know that,	09:39:47
21	Mr. Marcus.	09:39:50
22		

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1	MR. MARCUS: So here's where we're going.	09:39:50
2	I'm going to ask you to move on. To the extent	09:39:53
3	that we need to we will file a protective order	09:39:56
4	and have the Court address this issue as well as	09:39:59
5	other issues that have come up during the course	09:40:02
6	of the deposition.	09:40:04
7	MR. STERN: You got to file a motion you	09:40:05
8	got to file a motion. You have provided extensive	09:40:06
9	e-mail threads between Mr. White and Mr. Jordan	09:40:12
10	and Mr. Boshea and Mr. White claims to be an owner	09:40:15
11	of the company. All that is fair game as to why	09:40:19
12	he's helping a litigant against the company. Why	09:40:22
13	is he communicating with a counsel for a litigant	09:40:26
14	against the company? All that is relevant and	09:40:29
15	fair game.	09:40:32
16	MR. MARCUS: That's fine.	09:40:32
17	MR. STERN: If you want to take it up with	09:40:35
18	the Court have at it. We'll gladly litigate that	09:40:38
19	with the Court and we'll see where that comes out.	09:40:40
20	MR. JORDAN: Stephen, whether you own an	09:40:42
21	interest in Smart Retail has nothing to do with	09:40:45
22	what you just said.	09:40:49

1 MR. STERN: Mr. White was implicating me 09:40:53
2 as -- he said when you and John. That suggests 09:40:55
3 that I have some role in ownership or management 09:40:57
4 of Compass Marketing. I'm outside counsel and you 09:41:00
5 know there's a difference, Greg. 09:41:05

6 MR. JORDAN: No, I'm just saying whether 09:41:06
7 you do or don't own an interest in Smart Retail 09:41:08
8 has nothing to do with your basis for conducting 09:41:11
9 the deposition. 09:41:15

10 MR. STERN: That's right, but he was the 09:41:16
11 one that brought up my ownership. 09:41:17

12 MR. JORDAN: But it's collateral. You've 09:41:21
13 established that he did it. I think we can move 09:41:24
14 on. Whether you do or you don't is not going to 09:41:25
15 be determined here today nor is it of any interest 09:41:28
16 in the litigation on the breach of 09:41:33
17 contract (inaudible) -- 09:41:35

18 BY MR. STERN: 09:41:35

19 Q Mr. White, why was Mr. Boshea sending you 09:41:37
20 the fee agreements with counsel? 09:41:37

21 MR. MARCUS: Objection as to why 09:41:41
22 Mr. Boshea did something. Asked and answered. 09:41:43

1	Answer it again please, sir.	09:41:47
2	A I do not know why David sent me that	09:41:49
3	particular e-mail.	09:41:52
4	BY MR. STERN:	09:41:53
5	Q Did you respond to his request to review	09:41:53
6	it?	09:41:56
7	A I do not think so.	09:41:58
8	Q Did you not respond meaning verbally or in	09:42:03
9	writing?	09:42:05
10	A I do not think I reviewed it. Whenever he	09:42:06
11	asked me about his counsel I told him he should	09:42:11
12	get good counsel and that I thought Mr. Jordan was	09:42:14
13	good counsel and that I thought the person that I	09:42:17
14	referred him to in Maryland was good counsel and	09:42:20
15	that he should follow their advice.	09:42:23
16	Q When you forwarded the e-mail to Michael	09:42:27
17	did you discuss the fee agreement with Michael?	09:42:29
18	A I did not that I recall. I don't recall	09:42:31
19	reviewing the fee agreement much less discussing	09:42:36
20	it with him.	09:42:39
21	MR. STERN: I want to turn your attention	09:42:50
22	to a new exhibit, DJW 000922 through 925. The	09:42:53

1 first e-mail in this thread is dated December 18,
2 2020 at 4:23 p.m. and the most recent which is
3 December 22, 2020 at 1:04 p.m.

4 (D. White Deposition Exhibit 8 was marked
5 for identification and attached to the
6 transcript.)

7 BY MR. STERN:

8 Q I want to scroll down to a particular
9 e-mail that you sent Mr. Boshea on December 21,
10 2020 at 10:12 p.m. It says there from you to
11 Mr. Boshea "I think your contract is with Compass,
12 not Tagnetics."

13 Why were you advising Mr. Boshea about who
14 his contract was with?

15 MR. MARCUS: So what we're going to do is
16 we're actually going to read what this document
17 says. The witness is going to have a chance to do
18 it if you're going to question him and then he can
19 respond.

20 (Pause in the proceedings.)

21 BY MR. STERN:

22 Q Do you see that e-mail, Mr. White?

1	MR. MARCUS: You'll let us finish it --	09:44:31
2	looking at it and then we'll be in a position to	09:44:33
3	respond.	09:44:35
4	(Pause in the proceedings.)	09:44:48
5	A Okay, I've had a chance to review it.	09:44:48
6	Would you ask your question again, sir?	09:44:50
7	BY MR. STERN:	09:44:52
8	Q So why were you advising Mr. Boshea that	09:44:53
9	his contract was with Compass and not Tagnetics?	09:44:56
10	A Why was I saying that? Because that's a	09:45:04
11	true fact. I'm missing your question. I don't	09:45:07
12	understand your question, Mr. Stern.	09:45:12
13	Q Why were you giving him advice about his	09:45:12
14	contract?	09:45:16
15	MR. MARCUS: Objection to the form of the	09:45:16
16	question.	09:45:17
17	A Why was I -- I do not know.	09:45:22
18	BY MR. STERN:	09:45:27
19	Q Go to the e-mail before that, the one	09:45:27
20	below, December 21, 2020 at 10:46 p.m. It's from	09:45:30
21	Mr. Boshea to you. It says "Does this look fair	09:45:35
22	to you and normal? What should I do?"	09:45:38

1	A I see that.	09:45:42
2	Q Were you serving as an advisor to	09:45:44
3	Mr. Boshea in connection with his litigation	09:45:49
4	against Compass Marketing?	09:45:51
5	MR. MARCUS: Objection to the form.	09:45:52
6	Answer please.	09:45:53
7	A I do not believe that I was.	09:45:53
8	BY MR. STERN:	09:45:55
9	Q Do you know then why he was expecting you	09:45:55
10	to tell him what to do?	09:45:57
11	MR. MARCUS: Objection as to what his	09:45:59
12	motivation was. Answer please.	09:46:02
13	A I do not know.	09:46:03
14	BY MR. STERN:	09:46:06
15	Q Do you think it was appropriate for you to	09:46:06
16	be advising Mr. Boshea in connection with his	09:46:08
17	litigation against Compass Marketing in any	09:46:10
18	respect?	09:46:13
19	MR. MARCUS: Objection.	09:46:13
20	A Say the question again, Mr. Stern. I	09:46:17
21	don't think I understand it.	09:46:19
22		

1	BY MR. STERN:	09:46:20
2	Q Do you think it was appropriate for you as	09:46:21
3	an owner of Compass Marketing to be advising	09:46:24
4	Mr. Boshea about his litigation against the	09:46:27
5	company?	09:46:30
6	MR. MARCUS: Objection, form of the	09:46:30
7	question. Answer please.	09:46:31
8	A I do not know the answer to that question.	09:46:33
9	I don't know what you mean by "appropriate."	09:46:35
10	BY MR. STERN:	09:46:38
11	Q As a business owner do you think it is a	09:46:39
12	good idea to advise litigants in lawsuits against	09:46:42
13	your company?	09:46:45
14	MR. MARCUS: Objection, calls for	09:46:48
15	speculation, hypothetical and his opinions.	09:46:50
16	A As a business owner it is a good idea to	09:46:55
17	be fair to your employees.	09:46:59
18	BY MR. STERN:	09:47:01
19	Q That's not my question.	09:47:02
20	A Would you say your question again then,	09:47:04
21	sir?	09:47:06
22	Q As a business owner is it wise for you to	09:47:06

1 be advising people who are filing lawsuits against

09:47:10

2 your company about those lawsuits?

09:47:13

3 MR. MARCUS: Objection. Answer the

09:47:16

4 question again.

09:47:17

5 A As a business owner it is a good idea to

09:47:19

6 avoid litigation and to settle litigation and to

09:47:23

7 be fair.

09:47:26

8 Is that your question? Is that an answer

09:47:26

9 to your question?

09:47:28

10 MR. STERN: No.

09:47:31

11 A Okay.

09:47:31

12 MR. MARCUS: Well, he's answered the

09:47:31

13 question.

09:47:32

14 MR. STERN: No, he hasn't answered the

09:47:33

15 question.

09:47:34

16 MR. MARCUS: But he has. You may not like

09:47:34

17 the answer but he has answered the question.

09:47:36

18 BY MR. STERN:

09:47:38

19 Q And when a lawsuit is filed is it wise to

09:47:39

20 be giving advice to that litigant against your

09:47:44

21 company?

09:47:46

22

Transcript of Daniel J. White
Conducted on November 29, 2021

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1	MR. MARCUS: Objection.	09:47:47
2	MR. JORDAN: Objection to the relevance of	09:47:48
3	this lawsuit, asked and answered.	09:47:51
4	A I do not know the answer to your question,	09:47:55
5	Mr. Stern. Depends on the circumstance.	09:47:57
6	MR. STERN: Okay. Next exhibit, DJW	09:47:59
7	000921.	09:48:06
8	MR. MARCUS: Is this another exhibit	09:48:08
9	number, sir?	09:48:10
10	MR. STERN: Yes, it's an e-mail from Mr.	09:48:11
11	Boshea to you, Mr. White, dated December 27, 2020	09:48:15
12	at 12:51 a.m.	09:48:19
13	MR. MARCUS: All right. This should be	09:48:25
14	Number 8; is that right?	09:48:28
15	MR. JORDAN: No, it should be Number 9.	09:48:30
16	MR. MARCUS: Okay.	09:48:33
17	(D. White Deposition Exhibit 9 was marked	09:48:33
18	for identification and attached to the	09:48:33
19	transcript.)	09:48:37
20	BY MR. STERN:	09:48:37
21	Q Now, the e-mail starts with "Hey Dan, I	09:48:37
22	sent you joint e-mail with Greg."	09:48:39

1 Did you produce that joint e-mail that he
2 sent with Greg?

09:48:42

09:48:44

3 A I do not remember.

09:48:49

4 Q "If you can please give him a quick call
5 Sunday regarding some document he is looking for
6 from you."

09:48:52

09:48:55

09:48:58

7 What document did Mr. Jordan look for from
8 you?

09:48:58

09:49:01

9 A I do not recall.

09:49:02

10 Q Did you offer to provide any documents to
11 Mr. Jordan in connection with the lawsuit brought
12 by Mr. Boshea against Compass Marketing?

09:49:04

09:49:06

09:49:09

13 A I do not remember any particular
14 documents. I don't remember.

09:49:14

09:49:17

15 Q That's not my question.

09:49:18

16 Did you offer to provide any documents to
17 Mr. Boshea or Mr. Jordan in connection with
18 Mr. Boshea's lawsuit against Compass Marketing?

09:49:20

09:49:23

09:49:26

19 A I do not remember doing so but --

09:49:29

20 Q Do you know why Mr. Boshea would be asking
21 you to send Mr. Jordan a document?

09:49:32

09:49:35

22 MR. MARCUS: Objection.

09:49:39

1	MR. JORDAN: Objection to Mr. Boshea's	09:49:39
2	thought process or motivation. You're asking the	09:49:42
3	witness to speculate.	09:49:47
4	BY MR. STERN:	09:49:50
5	Q Mr. White?	09:49:51
6	A Would you ask me that question one more	09:49:53
7	time?	09:49:56
8	Q Do you know why Mr. Boshea would ask you	09:49:57
9	to send documents to Mr. Jordan in connection with	09:50:00
10	Mr. Boshea's lawsuit against the company?	09:50:03
11	MR. JORDAN: Same objections.	09:50:05
12	A I do not.	09:50:06
13	BY MR. STERN:	09:50:08
14	Q Next sentence says "Can you please mention	09:50:08
15	we spoke and you feel he has from me everything he	09:50:10
16	needs to get the money."	09:50:14
17	Did you have that conversation with	09:50:19
18	Mr. Jordan?	09:50:21
19	A I do not remember having any such	09:50:24
20	conversation with Mr. Jordan.	09:50:27
21	Q Do you know -- what was everything	09:50:29
22	Mr. Boshea needed to get the money?	09:50:39

1	MR. MARCUS: Objection.	09:50:42
2	A I do not know.	09:50:45
3	BY MR. STERN:	09:50:47
4	Q Do you believe Mr. Boshea had everything	09:50:48
5	he needed to get the money from Compass Marketing?	09:50:51
6	MR. MARCUS: Objection. Answer please.	09:50:54
7	A I do not know.	09:50:57
8	BY MR. STERN:	09:51:00
9	Q Today -- sitting here today as of this	09:51:01
10	moment in time do you believe Mr. Boshea has	09:51:05
11	everything he needs to get the money from Compass	09:51:09
12	Marketing?	09:51:13
13	MR. MARCUS: Objection.	09:51:13
14	A I do not know.	09:51:16
15	BY MR. STERN:	09:51:17
16	Q As of December 27, 2020 at 12:51 a.m. do	09:51:18
17	you know what Mr. Boshea had in connection with	09:51:22
18	his lawsuit to get the money from Compass	09:51:25
19	Marketing?	09:51:28
20	MR. JORDAN: Objection, asked and	09:51:28
21	answered.	09:51:33
22	A I do not know what David Boshea had on	09:51:33

1	December 27th.	09:51:37
2	BY MR. STERN:	09:51:40
3	Q Did you help him get any documents or	09:51:41
4	other information related to his lawsuit against	09:51:43
5	Compass Marketing?	09:51:47
6	MR. JORDAN: Objection, asked and	09:51:48
7	answered.	09:51:51
8	A I helped him find a local counsel. I	09:51:51
9	helped him find a handwriting expert and I helped	09:51:58
10	him find an e-mail from John to me from 2007.	09:52:04
11	BY MR. STERN:	09:52:11
12	Q Anything else?	09:52:13
13	A That's what I remember as I sit here right	09:52:13
14	now.	09:52:16
15	MR. STERN: Let's go to a new document	09:52:17
16	Bates labeled DJW 000913.	09:52:19
17	(D. White Deposition Exhibit 10 was marked	09:52:19
18	for identification and attached to the	09:52:19
19	transcript.)	09:52:19
20	BY MR. STERN:	09:52:19
21	Q It's an e-mail from Mr. Boshea to you on	09:52:39
22	January 7, 2021 at 9:48 a.m. It says "Hi Dan,	09:52:44

1	Please see attached and give me your thoughts."	09:52:47
2	What was attached to this e-mail?	09:52:50
3	A I need to read it, sir. I do not	09:52:54
4	remember.	09:53:06
5	Q Do you know why it wasn't produced?	09:53:06
6	MR. JORDAN: Objection. It assumes that	09:53:09
7	something was attached.	09:53:11
8	BY MR. STERN:	09:53:17
9	Q The e-mail from Mr. Boshea purports to	09:53:18
10	attach a document, correct?	09:53:20
11	A That's what it says, that's correct.	09:53:24
12	Q Did you produce that attachment?	09:53:27
13	MR. JORDAN: Objection. Again, assumes	09:53:30
14	that Mr. Boshea attached a document.	09:53:33
15	BY MR. STERN:	09:53:38
16	Q Mr. White?	09:53:39
17	A I do not know.	09:53:40
18	Q He's asking for your thoughts and input.	09:53:42
19	Did you offer thoughts and input?	09:53:47
20	A I do not recall doing so.	09:53:56
21	Q Do you know why he asked you for your	09:53:59
22	thoughts and input?	09:54:01

Transcript of Daniel J. White
Conducted on November 29, 2021

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1	MR. JORDAN: Objection to Mr. Boshea's	09:54:03
2	motivation which asks the witness to speculate.	09:54:05
3	BY MR. STERN:	09:54:10
4	Q I asked do you know why?	09:54:10
5	MR. JORDAN: Same objection.	09:54:11
6	A I do not know why David sent me that	09:54:13
7	e-mail.	09:54:17
8	MR. STERN: I want to show you a new	09:54:19
9	exhibit Bates labeled DJW 000908 through 910.	09:54:21
10	(D. White Deposition Exhibit 11 was marked	09:54:21
11	for identification and attached to the	09:54:21
12	transcript.)	09:54:21
13	MR. STERN: The first e-mail in this	09:54:40
14	string is dated January 20, 2021 at 9:47 p.m. and	09:54:43
15	the most recent which is January 22, 2021 at 4:00	09:54:49
16	p.m.	09:54:54
17	MR. JORDAN: Stephen, I haven't received	09:55:01
18	the exhibit yet so I only see one document, not	09:55:03
19	multiple pages. Never mind. I received it just	09:55:06
20	now.	09:55:10
21	BY MR. STERN:	09:55:21
22	Q I want to take your attention to the	09:55:21

1 second e-mail in the string from the top meaning
2 the closest to the most recent. It's an e-mail
3 from Mr. Jordan to Mr. Boshea. Subject line
4 Tagnetics. It says "Take a look at the attached"
5 and this e-mail was forwarded from Mr. Boshea to
6 you.

7 MR. MARCUS: Okay, so we're going to need
8 to take a look at this and figure out what the
9 string is.

10 (Pause in the proceedings.)

11 A I've read the e-mail. Would you ask your
12 question again, please?

13 BY MR. STERN:

14 Q What was attached to this e-mail?

15 MR. JORDAN: Objection, assumes anything
16 was attached to the e-mail. Foundation.

17 BY MR. STERN:

18 Q Mr. White?

19 A I do not know what, if anything, was
20 attached to that e-mail.

21 Q Mr. Boshea again is asking you for your
22 thoughts.

09:55:23

09:55:26

09:55:30

09:55:34

09:55:36

09:55:40

09:55:41

09:55:42

09:55:46

09:56:05

09:56:05

09:56:08

09:56:09

09:56:09

09:56:11

09:56:13

09:56:21

09:56:22

09:56:23

09:56:25

09:56:29

09:56:31

1	Did you share your thoughts with	09:56:33
2	Mr. Boshea about this e-mail?	09:56:35
3	A I do not remember doing so.	09:56:39
4	Q After it says thoughts it says "I just	09:56:44
5	asked Greg to put Tagnetics in there."	09:56:46
6	What were you discussing with Mr. Boshea	09:56:50
7	about Tagnetics?	09:56:52
8	MR. MARCUS: Objection, misstates the	09:56:55
9	e-mail, assumes facts not in evidence.	09:56:56
10	A I do not know the answer to your question,	09:57:04
11	Mr. Stern.	09:57:06
12	BY MR. STERN:	09:57:07
13	Q The next question -- the next part of that	09:57:07
14	e-mail says "How do you think we can mix Tagnetics	09:57:08
15	in there?"	09:57:12
16	Did you have any discussions with	09:57:15
17	Mr. Boshea about Tagnetics?	09:57:17
18	A I do not remember -- regarding this	09:57:24
19	e-mail, is that what you're asking me? Maybe I	09:57:26
20	don't understand your question.	09:57:29
21	Q Did you have any discussions with	09:57:30
22	Mr. Boshea about Tagnetics in connection with this	09:57:32

1	lawsuit?	09:57:35
2	A I don't remember any specific ones but I'm	09:57:38
3	sure that it came up.	09:57:41
4	Q Did you see a draft of the Complaint that	09:57:44
5	was filed in this lawsuit before it was filed?	09:57:46
6	A I do not remember.	09:57:52
7	Q Did you offer to review the Complaint	09:57:55
8	before it was filed in this lawsuit?	09:57:57
9	A I do not remember.	09:58:01
10	Q Did you make any suggestions to Mr. Boshea	09:58:03
11	about the content of the Complaint before it was	09:58:07
12	filed in this lawsuit?	09:58:10
13	A I do not remember.	09:58:12
14	Q Is there anything that would help you	09:58:14
15	remember?	09:58:16
16	A Not that I know.	09:58:20
17	Q Is it your contention that there was no	09:58:24
18	attachment to this e-mail?	09:58:26
19	A I do not know.	09:58:28
20	Q Is there a way that we can find out?	09:58:31
21	A I do not know.	09:58:35
22	Q Do you still have this e-mail in your	09:58:37

1	inbox?	09:58:40
2	A I don't know that I have it in my inbox.	09:58:45
3	Q Where is this e-mail stored?	09:58:49
4	A It is in my e-mail account and I would --	09:58:53
5	Q And therefore if it's in your e-mail	09:58:57
6	account, presumably if there's an attachment it	09:58:59
7	would still be there, wouldn't it?	09:59:01
8	MR. MARCUS: Objection, calls for	09:59:03
9	speculation.	09:59:04
10	A Mr. Stern, ask -- your question is if	09:59:11
11	there was an attachment?	09:59:14
12	BY MR. STERN:	09:59:18
13	Q It would still be on the e-mail, correct?	09:59:18
14	A I do not know.	09:59:21
15	Q You don't know? Have you altered any	09:59:21
16	e-mails that are in your account?	09:59:23
17	A Have I altered any e-mails in my account?	09:59:25
18	Regarding this lawsuit, no, not that I recall.	09:59:29
19	Q Have you altered any e-mails that are in	09:59:31
20	your -- sitting in your inbox, deleted box or sent	09:59:34
21	box?	09:59:37
22		

1	MR. JORDAN: Objection to relevance.	09:59:37
2	MR. MARCUS: Objection.	09:59:42
3	A Could you ask that question again, sir?	09:59:44
4	BY MR. STERN:	09:59:46
5	Q Have you altered any e-mails that are	09:59:46
6	sitting in your account whether it's related to	09:59:48
7	this lawsuit or not?	09:59:51
8	MR. JORDAN: Same objection.	09:59:56
9	A Does that include deleting junk mail and	09:59:57
10	stuff like that?	10:00:02
11	MR. MARCUS: Yes, it does.	10:00:02
12	MR. STERN: Altered any e-mails.	10:00:05
13	MR. JORDAN: Objection to the use of the	10:00:06
14	word "altered." I'm not sure what it means.	10:00:08
15	A I'm not sure I understand your question,	10:00:09
16	Mr. Stern.	10:00:12
17	BY MR. STERN:	10:00:13
18	Q Have you changed any e-mails that are	10:00:13
19	sitting in your account such as attachments?	10:00:15
20	MR. JORDAN: Objection to how that's even	10:00:22
21	done.	10:00:24
22		

1	BY MR. STERN:	10:00:36
2	Q Mr. White, have you removed any	10:00:37
3	attachments from any e-mails in your account?	10:00:39
4	A In my life certainly.	10:00:42
5	Q Have you removed any e-mails in your	10:00:44
6	account that are between you and Mr. Boshea in any	10:00:46
7	way? Let me rephrase the question.	10:00:50
8	Have you removed any attachments in your	10:00:51
9	e-mail account that relate to Mr. Boshea in any	10:00:54
10	way?	10:00:59
11	A Not that I recall.	10:00:59
12	Q Have you attached any documents to e-mails	10:01:03
13	in your account that relate to Mr. Boshea in any	10:01:10
14	way?	10:01:18
15	MR. MARCUS: Objection. Answer if you're	10:01:18
16	able.	10:01:20
17	A I've sent some attachments if that's what	10:01:20
18	you mean.	10:01:23
19	BY MR. STERN:	10:01:23
20	Q What attachments did you send to	10:01:24
21	Mr. Boshea?	10:01:26
22	A I don't recall if I sent any to Mr. Boshea	10:01:27

1 but I sent to Mr. Jordan a copy of an e-mail that

10:01:30

2 I got from John in 2007.

10:01:35

3 Is that what you're asking about?

10:01:39

4 Q Other than that one e-mail have you
5 attached any other documents in e-mails to
6 Mr. Jordan?

10:01:40

10:01:44

10:01:49

7 A I do not remember.

10:01:52

8 MR. STERN: I want to show you a new
9 exhibit Bates labeled DJW 000041 through 42. The
10 most recent e-mail in that string is dated August
11 27, 2021 at 12:19 p.m.

10:02:03

10:02:05

10:02:23

10:02:26

12 (D. White Deposition Exhibit 12 was marked
13 for identification and attached to the
14 transcript.)

10:02:26

10:02:26

10:02:32

15 BY MR. STERN:

10:02:32

16 Q The subject line of the e-mail says
17 Activity in Case, the case number, Boshea v.

10:02:32

10:02:34

18 Compass Marketing, Inc. Counterclaim, do you see
19 that?

10:02:39

10:02:42

20 A Okay.

10:02:42

21 Q The e-mail is from Mr. Jordan to you dated
22 August 26, 2021 at 5:14 p.m., do you see that?

10:02:46

10:02:50

1	A From Mr. Jordan to me?	10:02:56
2	Q Yes.	10:02:58
3	A I do see that.	10:02:59
4	Q Do you know why Mr. Jordan sent you notice	10:03:01
5	of filing of the counterclaim that Compass	10:03:04
6	Marketing filed in this case?	10:03:07
7	A I think it says right on it but I don't	10:03:12
8	know why except to read what Mr. Jordan wrote.	10:03:15
9	Q Did you have an understanding with	10:03:19
10	Mr. Jordan that he would send you filings in this	10:03:21
11	lawsuit?	10:03:25
12	A I don't recall making any such agreement	10:03:26
13	with Mr. Jordan. I think he did that on his own	10:03:30
14	and that's why he did that but I did not have any	10:03:32
15	such agreement that I remember.	10:03:34
16	Q Did you express an interest in receiving	10:03:36
17	filings from Mr. Jordan related to this lawsuit?	10:03:38
18	A I don't remember doing so.	10:03:43
19	Q Did you review the counterclaim filed in	10:03:48
20	this lawsuit?	10:03:51
21	A I did read it when it came in.	10:03:53
22	Q And you offered some commentary on it,	10:03:55

1	didn't you?	10:03:58
2	A I need to read that part. That does look	10:04:00
3	like my commentary.	10:04:06
4	Q Why were you offering commentary to	10:04:10
5	Mr. Jordan in connection with a lawsuit that he	10:04:13
6	was bringing against your company?	10:04:15
7	MR. MARCUS: Objection. Answer please.	10:04:21
8	A I think that Mr. Jordan -- I was trying to	10:04:26
9	help Mr. Jordan understand the context of the	10:04:31
10	counterclaim.	10:04:34
11	BY MR. STERN:	10:04:35
12	Q So you were trying to help him in	10:04:35
13	connection with the lawsuit that was filed in	10:04:37
14	this -- against your company?	10:04:42
15	MR. MARCUS: Objection, form of the	10:04:43
16	question. Answer please.	10:04:47
17	A I was trying to help Mr. Jordan understand	10:04:49
18	the context of your counterclaim.	10:04:51
19	BY MR. STERN:	10:04:53
20	Q Did you help Mr. Jordan understand the	10:04:54
21	context or facts related to the claim that	10:04:56
22	Mr. Boshea has filed against the company?	10:04:59

1	MR. MARCUS: Objection, argumentative.	10:05:02
2	A I don't understand your question,	10:05:06
3	Mr. Stern.	10:05:08
4	BY MR. STERN:	10:05:08
5	Q Have you offered Mr. Jordan any thoughts	10:05:09
6	or assistance in connection with his claim against	10:05:11
7	the company other than referring to local counsel	10:05:14
8	and identifying expert witnesses?	10:05:18
9	MR. MARCUS: Objection, asked and	10:05:23
10	answered. Answer it again, please.	10:05:25
11	A I don't remember specific thoughts that	10:05:28
12	I've offered to Mr. Jordan.	10:05:30
13	BY MR. STERN:	10:05:33
14	Q Is this e-mail dated August 27, 2021 at	10:05:33
15	12:19 p.m. the only commentary you offered to	10:05:37
16	Mr. Jordan about the counterclaim filed against	10:05:40
17	Mr. Boshea?	10:05:44
18	A I do not remember.	10:05:45
19	Q Is there anything that you did to prepare	10:05:48
20	for this deposition today?	10:05:49
21	A I met with my lawyers.	10:05:53
22	Q You have more than one lawyer?	10:05:55

1	A Well --	10:05:57
2	MR. MARCUS: Ms. Patterson makes two.	10:06:00
3	MR. STERN: I'm sorry?	10:06:04
4	MR. MARCUS: Ms. Patterson makes two,	10:06:04
5	Ms. Patterson and me. There are two of us.	10:06:07
6	BY MR. STERN:	10:06:09
7	Q Did you review any documents in	10:06:10
8	preparation for this deposition today?	10:06:11
9	A Not specifically.	10:06:13
10	Q What does not specifically mean?	10:06:14
11	A I collected them and I gave them to	10:06:16
12	Ms. Patterson so I reviewed them when I collected	10:06:19
13	them but I did not do so today.	10:06:24
14	Q And how long ago did you collect those	10:06:26
15	documents?	10:06:29
16	A Several weeks ago.	10:06:32
17	Q And when you reviewed them did it help	10:06:37
18	refresh your recollection about the role you	10:06:39
19	played in connection with this lawsuit?	10:06:41
20	MR. MARCUS: Objection, misstates his	10:06:44
21	prior testimony. Answer please.	10:06:46
22	A I don't really consider a role in the	10:06:51

1	lawsuit but it helped refresh some conversations	10:06:54
2	that I had with Mr. Jordan and Mr. Stern -- excuse	10:06:59
3	me, and Mr. -- well, Mr. Stern, you and Mr. Boshea	10:07:02
4	about the lawsuit.	10:07:05
5	BY MR. STERN:	10:07:06
6	Q Offering commentary about a counterclaim,	10:07:06
7	is that a role in the lawsuit?	10:07:08
8	MR. MARCUS: Objection, argumentative.	10:07:10
9	Answer please.	10:07:13
10	A I don't believe it is.	10:07:14
11	BY MR. STERN:	10:07:16
12	Q Offering expert witness recommendations,	10:07:16
13	is that a role in the lawsuit?	10:07:19
14	MR. MARCUS: Objection, argumentative.	10:07:21
15	Answer please.	10:07:25
16	A I don't believe that it is.	10:07:26
17	BY MR. STERN:	10:07:28
18	Q Is offering to put -- to review documents	10:07:28
19	play any role in the litigation?	10:07:33
20	MR. MARCUS: Objection, argumentative.	10:07:35
21	Answer please.	10:07:37
22	A I don't believe that it is.	10:07:38

1	BY MR. STERN:	10:07:43
2	Q Is reviewing discovery responses a role in	10:07:43
3	the lawsuit?	10:07:48
4	MR. MARCUS: Objection, argumentative.	10:07:50
5	Answer please.	10:07:52
6	A I don't believe that it is.	10:07:54
7	BY MR. STERN:	10:07:56
8	Q Is reviewing -- providing documents a role	10:07:56
9	in the litigation -- in this lawsuit? Let me	10:08:03
10	rephrase the question.	10:08:08
11	Is providing documents a role in this	10:08:09
12	litigation?	10:08:11
13	MR. MARCUS: Objection. Answer.	10:08:12
14	MR. JORDAN: Objection, vague.	10:08:15
15	A Mr. Stern, I don't know what you mean by	10:08:17
16	role in litigation. I don't believe I have a role	10:08:20
17	in this litigation.	10:08:22
18	MR. STERN: Okay. Let me show you a new	10:08:27
19	document, Exhibit Number -- I guess Bates labeled	10:08:29
20	DJW 000875, an e-mail from Mr. Boshea to you dated	10:08:33
21	June 16, 2021 at 3:28 p.m.	10:08:42
22	(D. White Deposition Exhibit 13 was marked	10:08:42

1	for identification and attached to the	10:08:42
2	transcript.)	10:08:53
3	BY MR. STERN:	10:08:53
4	Q Do you see this e-mail?	10:08:54
5	A I'm waiting for it to download. I see the	10:08:56
6	e-mail.	10:09:20
7	Q It's an e-mail from Mr. Boshea to you?	10:09:21
8	A That's what it appears to be.	10:09:25
9	Q And it says "Steven." I don't know why it	10:09:27
10	says Steven but "See the attached discovery	10:09:32
11	requests," do you see that?	10:09:35
12	A I do see that.	10:09:37
13	Q Were discovery requests attached to that	10:09:39
14	e-mail?	10:09:41
15	A I do not remember.	10:09:42
16	Q And then the next line in the e-mail says	10:09:44
17	"Please note that the Court requested that the	10:09:46
18	parties set a discovery plan and discuss other	10:09:49
19	issues."	10:09:52
20	Did you discuss a discovery plan with	10:09:52
21	Mr. Boshea?	10:09:55
22	A I do not believe that I did.	10:09:58

1	Q Do you know why he sent you an e-mail to	10:10:00
2	discuss a discovery plan?	10:10:03
3	MR. MARCUS: Objection, misstates the	10:10:06
4	document.	10:10:08
5	A I do not know the answer to your question.	10:10:11
6	BY MR. STERN:	10:10:14
7	Q Did you answer this e-mail?	10:10:14
8	A I don't believe that I did.	10:10:16
9	Q Did you have a telephone call with	10:10:17
10	Mr. Boshea about this e-mail?	10:10:20
11	A I don't believe that I did.	10:10:21
12	Q So he sent you this e-mail out of the blue	10:10:25
13	without any context or expectation for you to	10:10:28
14	respond, is that your understanding?	10:10:30
15	MR. MARCUS: Objection, form of the	10:10:33
16	question. Answer please.	10:10:35
17	A I do not know what his reasons or	10:10:37
18	expectations were.	10:10:39
19	BY MR. STERN:	10:10:41
20	Q Was it your expectation to discuss	10:10:41
21	discovery in this lawsuit with Mr. Boshea?	10:10:44
22	A I do not --	10:10:48

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1	MR. JORDAN: Objection, relevance.	10:10:49
2	MR. MARCUS: Objection. It misstates the	10:10:51
3	document.	10:10:53
4	A I do not remember discussing the discovery	10:10:54
5	plan with anyone.	10:10:57
6	BY MR. STERN:	10:10:59
7	Q That's not my question.	10:10:59
8	My question is was it your expectation to	10:11:00
9	discuss discovery in this lawsuit with Mr. Boshea?	10:11:03
10	MR. MARCUS: Objection, misstates the	10:11:07
11	document. Answer please.	10:11:11
12	A I do not believe it was my expectation to	10:11:14
13	discuss discovery with David Boshea.	10:11:17
14	MR. STERN: The next e-mail Bates number	10:11:28
15	DJW 000876. It's an e-mail from Mr. Boshea to you	10:11:31
16	dated June 15, 2021 at 5:41 p.m.	10:11:36
17	(D. White Deposition Exhibit 14 was marked	10:11:36
18	for identification and attached to the	10:11:36
19	transcript.)	10:11:36
20	BY MR. STERN:	10:11:36
21	Q Do you see this e-mail?	10:11:50
22	A Not yet, sir.	10:11:53

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1	MR. BOSHEA: Hey Greg, out of respect to	10:12:06
2	Dan White can we take a break?	10:12:09
3	MR. JORDAN: Honestly, Stephen, I was	10:12:11
4	thinking the same thing. We've been going for	10:12:12
5	about an hour and 45 minutes.	10:12:13
6	MR. BOSHEA: This is just ridiculous.	10:12:20
7	MR. JORDAN: David. David. David,	10:12:20
8	please. I actually think it would probably be a	10:12:21
9	good idea if we've been going an hour and	10:12:22
10	45 minutes to take a break.	10:12:25
11	MR. STERN: After we finish with this	10:12:25
12	exhibit.	10:12:25
13	MR. JORDAN: If you want to have him	10:12:27
14	answer questions with regard to the exhibit and	10:12:28
15	then after that if we can take a break that would	10:12:30
16	be great.	10:12:33
17	MR. STERN: We'll take a short break,	10:12:33
18	that's fine.	10:12:34
19	BY MR. STERN:	10:12:35
20	Q Mr. White, do you see this e-mail from	10:12:36
21	Mr. Boshea to you on January -- June 15, 2021 at	10:12:37
22	5:41 p.m.?	10:12:43

1 A I see the e-mail that you put up on the 10:12:46

2 screen, yes, sir. 10:12:48

3 Q And it says "I drafted interrogatories and 10:12:49

4 document requests for Compass to answer," do you 10:12:51

5 see that? 10:12:55

6 A I see the e-mail that you forwarded. 10:12:55

7 Q Did you review the interrogatories and 10:12:59

8 document requests that Mr. Boshea drafted? 10:13:01

9 A I do not remember doing so. 10:13:05

10 Q Did you discuss with Mr. Boshea the 10:13:09

11 interrogatories he drafted or document requests 10:13:13

12 that he drafted? 10:13:15

13 A I do not remember doing so. 10:13:16

14 Q Do you know why he sent you the 10:13:20

15 interrogatories and document requests that he 10:13:23

16 drafted? 10:13:25

17 MR. MARCUS: Objection, assumes facts not 10:13:26

18 in evidence. 10:13:28

19 A I do not know why. Mr. Jordan certainly 10:13:30

20 does not need my help. 10:13:32

21 BY MR. STERN: 10:13:40

22 Q If your help was not needed do you know 10:13:40

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1	why then Mr. Jordan and Mr. Boshea continued to	10:13:42
2	send you many e-mails throughout this case?	10:13:46
3	MR. MARCUS: Objection, assumes facts not	10:13:49
4	in evidence, calls for speculation. Answer.	10:13:51
5	A I do not --	10:13:55
6	MR. STERN: Mr. White produced about a	10:13:55
7	thousand pages of material about his	10:13:58
8	communications in this case. I would like to know	10:14:00
9	if he didn't have -- if they don't need any help	10:14:03
10	why was he communicating so extensively with	10:14:06
11	Mr. Boshea and Mr. Jordan?	10:14:09
12	MR. MARCUS: I don't think that the	10:14:10
13	deponent is in a position to answer why other	10:14:12
14	people do things.	10:14:15
15	BY MR. STERN:	10:14:16
16	Q Go ahead, Mr. White.	10:14:17
17	A I do not know why.	10:14:18
18	Q So each of the e-mail communications from	10:14:20
19	Mr. Boshea to Mr. Jordan were unsolicited?	10:14:23
20	MR. MARCUS: Mr. Stern, if you're going to	10:14:27
21	ask him questions and you want him to answer it	10:14:29
22	you got to let him do that.	10:14:29

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1	MR. STERN: I didn't hear him talking.	10:14:31
2	He's got to speak up then.	10:14:33
3	MR. MARCUS: Either that or you got to	10:14:36
4	listen before you start speaking.	10:14:37
5	MR. STERN: He's got to speak up.	10:14:40
6	MR. MARCUS: Okay. Well, obviously you	10:14:42
7	want a full record. If that's not the intention	10:14:44
8	then cut him off.	10:14:47
9	MR. STERN: Speak up. I can't hear.	10:14:48
10	BY MR. STERN:	10:14:48
11	Q Mr. White?	10:14:50
12	MR. JORDAN: Stephen, can you just restate	10:14:51
13	the question and then we'll just go from there?	10:14:53
14	It will probably save a lot of time.	10:14:56
15	A Would you say the question again?	10:15:01
16	BY MR. STERN:	10:15:02
17	Q Is it your position that these	10:15:03
18	communications from Mr. Jordan and Mr. Boshea were	10:15:04
19	unsolicited?	10:15:09
20	MR. MARCUS: Objection, assumes facts not	10:15:09
21	in evidence. Answer please.	10:15:12
22	A This one was. You would have to ask me	10:15:13

1	about each specific one.	10:15:16
2	Q We've gone through several e-mail	10:15:19
3	communications here.	10:15:21
4	Were each of the ones that we've discussed	10:15:21
5	today unsolicited?	10:15:23
6	MR. MARCUS: Objection, compound question.	10:15:25
7	Answer as best you can, please.	10:15:30
8	A I can't remember every e-mail that we've	10:15:31
9	looked at, sir.	10:15:34
10	BY MR. STERN:	10:15:35
11	Q So some e-mails were solicited and some	10:15:35
12	were not solicited?	10:15:37
13	A I do not know.	10:15:38
14	Q Did you solicit any e-mail communications	10:15:40
15	from Mr. Jordan?	10:15:42
16	MR. MARCUS: Objection.	10:15:44
17	A I do not remember doing so.	10:15:48
18	BY MR. STERN:	10:15:50
19	Q Did you solicit any e-mail communications	10:15:50
20	from Mr. Boshea?	10:15:53
21	MR. MARCUS: Objection to form. Answer	10:15:57
22	please.	10:15:58

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1	A I do not remember.	10:15:58
2	MR. STERN: We'll take a short break here.	10:16:00
3	THE VIDEOGRAPHER: We are now going off	10:16:04
4	the record. This will end disk one and the time	10:16:06
5	is 10:17 a.m.	10:16:08
6	(A brief recess was taken.)	10:16:10
7	THE VIDEOGRAPHER: This will begin disk	10:31:26
8	number two. We are now back on the record. The	10:31:33
9	time is 10:32 a.m.	10:31:35
10	MR. STERN: All right, thank you. We're	10:31:37
11	going to start with another exhibit Bates labeled	10:31:38
12	DJW 000543. It's an e-mail string with the	10:31:41
13	most -- the original e-mail dated September 20,	10:31:49
14	2021 at 9:47 p.m. and the most recent being from	10:31:53
15	Mr. Boshea to Mr. White dated September 25, 2021	10:31:56
16	at 12:49 a.m.	10:32:01
17	MR. MARCUS: You were not even audible for	10:32:06
18	that entire statement.	10:32:08
19	MR. STERN: Okay, then I'll say it again.	10:32:10
20	DJW 000543. The original e-mail in that string is	10:32:12
21	dated September 20, 2021 at 9:47 p.m. The most	10:32:17
22	recent of which in that string is dated September	10:32:21

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1	25, 2021 at 12:49 a.m.	10:32:25
2	(D. White Deposition Exhibit 15 was marked	10:32:25
3	for identification and attached to the	10:32:25
4	transcript.)	10:32:25
5	BY MR. STERN:	10:32:25
6	Q Do you see that e-mail, Mr. White?	10:32:36
7	A I do see it.	10:32:38
8	Q The original e-mail in that string is from	10:32:40
9	Mr. Jordan to me and my colleague, Ms. Yeung with	10:32:42
10	a copy to Mr. Gagliardo and attached Mr. Boshea's	10:32:47
11	Amended Answers to Interrogatories, is that what	10:32:55
12	it says?	10:32:56
13	A It says -- I mean that's a pretty good	10:32:58
14	summary of it.	10:33:00
15	Q And then it's forwarded to you by	10:33:00
16	Mr. Boshea?	10:33:02
17	A Appears to be.	10:33:03
18	Q And in that e-mail from Mr. Boshea it says	10:33:04
19	"Please review as a friend"?	10:33:07
20	A That's what it says.	10:33:10
21	Q Did you review the Answers to	10:33:11
22	Interrogatories?	10:33:16

1	A I don't remember doing that.	10:33:16
2	Q Do you know why Mr. Boshea forwarded you	10:33:17
3	the Answers to Interrogatories?	10:33:20
4	MR. JORDAN: Objection, foundation.	10:33:23
5	MR. MARCUS: Calls for speculation.	10:33:27
6	Answer please.	10:33:28
7	MR. JORDAN: Stephen, I just want to note	10:33:30
8	that I sent -- we sent you David Boshea's original	10:33:32
9	e-mails so -- in native form so -- I think so to	10:33:37
10	the extent that there are attachments you might	10:33:43
11	want to use David Boshea's e-mails.	10:33:46
12	MR. STERN: I'm just asking him -- thank	10:33:52
13	you for the advice. I'll ask the questions the	10:33:55
14	way I want.	10:33:56
15	MR. JORDAN: That's fine. Totally fine.	10:33:58
16	BY MR. STERN:	10:33:59
17	Q Mr. White, do you know why Mr. Boshea	10:34:00
18	forwarded you his Answers to Interrogatories?	10:34:02
19	MR. MARCUS: Objection. Answer.	10:34:06
20	A I do not know why David sent them.	10:34:08
21	BY MR. STERN:	10:34:13
22	Q Did you have an understanding or	10:34:13

1 expectation with Mr. Boshea that you would review

10:34:16

2 discovery responses in this litigation?

10:34:19

3 MR. MARCUS: Objection, compound. Answer
4 please.

10:34:21

10:34:23

5 A I don't remember doing that.

10:34:23

6 BY MR. STERN:

10:34:31

7 Q Did you respond to Mr. Boshea's request to
8 review these Answers to Interrogatories?

10:34:31

10:34:34

9 A I do not remember.

10:34:38

10 Q Is there something that would help you
11 remember?

10:34:44

10:34:46

12 A I do not know.

10:34:50

13 MR. STERN: I'm going to show you a new
14 exhibit. The court reporting service, I guess you
15 can keep track of all the numbers when you send
16 the transcript.

10:34:56

10:34:58

10:35:05

10:35:07

17 MR. JORDAN: The next one will be 16,
18 Stephen.

10:35:08

10:35:10

19 MR. STERN: All right, thank you.

10:35:11

20 DJW 000831 through 835. It is an e-mail
21 spread, the original being dated July 1, 2021 at
22 8:44 a.m. with an attachment and the most recent

10:35:13

10:35:25

10:35:32

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1	is July 1, 2021 at 1:04 p.m.	10:35:37
2	(D. White Deposition Exhibit 16 was marked	10:35:37
3	for identification and attached to the	10:35:37
4	transcript.)	10:35:37
5	BY MR. STERN:	10:35:37
6	Q Do you see this e-mail, Mr. White?	10:35:49
7	MR. MARCUS: We are now -- we just got it.	10:35:52
8	We'll take a look at it.	10:35:53
9	(Pause in the proceedings.)	10:36:19
10	BY MR. STERN:	10:36:19
11	Q Have you had the opportunity to review	10:36:20
12	this, Mr. White?	10:36:21
13	MR. MARCUS: We're doing it.	10:36:23
14	(Pause in the proceedings.)	10:36:36
15	A Yeah, I've read the e-mail.	10:36:36
16	BY MR. STERN:	10:36:40
17	Q It's Mr. Boshea forwarding to you an order	10:36:40
18	for a settlement conference in this lawsuit,	10:36:44
19	correct?	10:36:46
20	A What it appears to be.	10:36:48
21	Q Do you know why Mr. Boshea forwarded you	10:36:52
22	the order for a settlement conference in this	10:36:54

1	lawsuit?	10:36:57
2	MR. JORDAN: Objection, calls for	10:36:58
3	speculation.	10:37:00
4	MR. MARCUS: Objection. Answer please.	10:37:00
5	A I do not know why.	10:37:01
6	BY MR. STERN:	10:37:03
7	Q Did you have an understanding or	10:37:03
8	expectation with Mr. Boshea that you'd discuss	10:37:04
9	settlement negotiations in this lawsuit with him?	10:37:06
10	MR. JORDAN: Objection, vague. I'm not	10:37:11
11	sure whose expectation you're referring to.	10:37:13
12	MR. MARCUS: Objection. I think you want	10:37:15
13	to try that question again.	10:37:19
14	BY MR. STERN:	10:37:20
15	Q Mr. White, did you have an understanding	10:37:21
16	or expectation that you would discuss settlement	10:37:22
17	negotiations with Mr. Boshea in this lawsuit?	10:37:25
18	MR. MARCUS: Objection.	10:37:28
19	MR. JORDAN: Objection, confusing.	10:37:29
20	A I don't remember any such agreement.	10:37:31
21	BY MR. STERN:	10:37:35
22	Q Did you expect to discuss some	10:37:36

1	negotiations in this lawsuit with Mr. Boshea?	10:37:39
2	MR. MARCUS: Objection. Answer please.	10:37:43
3	A I do not think so.	10:37:45
4	BY MR. STERN:	10:37:48
5	Q Did you ask to see any settlement	10:37:48
6	discussions or writings in this lawsuit from	10:37:51
7	Mr. Boshea?	10:37:55
8	MR. MARCUS: Objection. I'm not sure how	10:37:56
9	he could see discussions.	10:38:01
10	A I do not remember doing that.	10:38:04
11	BY MR. STERN:	10:38:07
12	Q Did you discuss settlement with Mr. Boshea	10:38:08
13	in this lawsuit?	10:38:11
14	A I do not remember doing so.	10:38:15
15	Q Did you have a reaction to seeing this	10:38:17
16	order that's attached to this e-mail thread?	10:38:20
17	MR. JORDAN: Objection, vague. I don't	10:38:26
18	know what reaction means.	10:38:28
19	MR. MARCUS: Counsel, you know I'm sitting	10:38:31
20	here trying to give you as much latitude as	10:38:34
21	possible. These are July 2021 discussions. The	10:38:37
22	representation was that there was a contract in	10:38:41

1 2007 and I'm having a hard time figuring out what 10:38:44
2 the relationship is between the complaint that's 10:38:49
3 filed and the actions that are pending before the 10:38:51
4 court and settlement discussions that were taking 10:38:53
5 place in July and what the relationship of those 10:38:55
6 two things might be in the legitimate pursuit of 10:38:58
7 discovery. 10:39:02

8 MR. STERN: Mr. Marcus, please stop your 10:39:02
9 speaking objections. 10:39:04

10 BY MR. STERN: 10:39:06

11 Q Mr. White, did you have a reaction to 10:39:07
12 seeing the settlement order -- or an order of a 10:39:09
13 settlement conference from Mr. Boshea? 10:39:12

14 MR. MARCUS: Objection. 10:39:16

15 A I do not remember a specific reaction to 10:39:17
16 this e-mail. 10:39:20

17 BY MR. STERN: 10:39:22

18 Q Did you have any discussions with 10:39:22
19 Mr. Jordan about settlement in this lawsuit? 10:39:24

20 MR. MARCUS: Objection. 10:39:29

21 A I do not remember any specific discussions 10:39:31
22 with Mr. Jordan about settlement in this lawsuit. 10:39:33

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1	MR. STERN: I'm going to show you a new	10:39:38
2	e-mail thread, DJW 000312 through 318 -- I'm	10:39:40
3	sorry, 319. It's an e-mail thread with the most	10:39:50
4	recent being September 13, 2021 at 5:33 p.m.	10:39:54
5	(D. White Deposition Exhibit 17 was marked	10:39:54
6	for identification and attached to the	10:39:54
7	transcript.)	10:40:15
8	BY MR. STERN:	10:40:15
9	Q Do you see this e-mail from Mr. Jordan to	10:40:15
10	you with a copy to Michael White and David Boshea?	10:40:18
11	MR. MARCUS: We're just getting it now.	10:40:21
12	A I see that e-mail.	10:40:49
13	BY MR. STERN:	10:40:51
14	Q It opens with "When we spoke recently."	10:40:52
15	Do you remember talking with Mr. Boshea --	10:40:56
16	I mean Mr. Jordan about FBI agents?	10:40:58
17	A No.	10:41:05
18	Q Did you discuss FBI agents with	10:41:07
19	Mr. Jordan?	10:41:12
20	A I do not recall doing so.	10:41:14
21	Q Do you think Mr. Jordan is making this up	10:41:16
22	in this e-mail to you where he said "When we spoke	10:41:20

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1 recently, you mentioned that you believed you knew

10:41:25

2 one or more former FBI agents"?

10:41:25

3 MR. JORDAN: Objection to speculating.

10:41:29

4 MR. MARCUS: And it misstates the

10:41:31

5 document. The question misstates the document.

10:41:35

6 BY MR. STERN:

10:41:37

7 Q Mr. White, do you think Mr. Jordan made

10:41:38

8 that up?

10:41:41

9 A No, I do not but I would not know that. I

10:41:42

10 do not think he made it up.

10:41:46

11 Q Did you offer any suggestions about FBI

10:41:48

12 agents to Mr. Boshea or Mr. Jordan regarding

10:41:52

13 experts on signatures?

10:41:54

14 A No, sir, not that I recall.

10:41:56

15 Q Do you know why he asked you for those

10:42:00

16 recommendations?

10:42:04

17 A I do not know. Let me -- would you

10:42:06

18 clarify your question?

10:42:12

19 MR. STERN: Can you read the question

10:42:15

20 back, court reporter?

10:42:16

21 (The previous question was read as

10:42:16

22 requested.)

10:42:26

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1	A	So we spoke about an expert witness in	10:42:26
2		handwriting.	10:42:31
3	BY MR. STERN:		10:42:33
4	Q	And do you believe that -- was someone	10:42:33
5		speaking?	10:42:42
6	MR. MARCUS:	The deponent was speaking	10:42:42
7		when you started to ask the next question.	10:42:45
8	BY MR. STERN:		10:42:47
9	Q	Go ahead, Mr. White.	10:42:48
10	A	We spoke about how to find a handwriting	10:42:49
11		expert and if I knew any and I think	10:42:53
12		(inaudible) --	10:43:00
13	Q	About how many times have you discussed	10:43:00
14		this lawsuit with Mr. Jordan?	10:43:02
15	A	I do not remember. I do not remember the	10:43:03
16		exact number of times.	10:43:09
17	Q	Approximately how many times have you	10:43:12
18		spoke with Mr. Jordan about this lawsuit?	10:43:13
19	MR. MARCUS:	Objection. Answer if you	10:43:16
20		can.	10:43:19
21	A	Approximately ten.	10:43:19
22			

Transcript of Daniel J. White
Conducted on November 29, 2021

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1 BY MR. STERN:

10:43:24

2 Q Besides discussing expert witnesses, what
3 other subjects did you discuss with Mr. Jordan
4 about this lawsuit?

10:43:24

10:43:28

10:43:31

5 MR. MARCUS: Objection to the form of the
6 question. Answer please.

10:43:34

10:43:35

7 A I remember discussing an expert witness.
8 I remember discussing local counsel and I don't
9 know if I discussed the e-mail that I sent him or
10 not. I don't remember the details of our other
11 discussions.

10:43:38

10:43:41

10:43:52

10:43:55

10:43:59

12 MR. STERN: I want to pivot to that e-mail
13 that you mentioned, DJW 00001 through 8. It's an
14 e-mail thread, the most recent of which is from
15 you to Greg Jordan dated September 27, 2021 at
16 4:58 p.m. The original in this thread purports to
17 be an e-mail dated May 22, 2007 at 1:24. Appears
18 to be a.m.

10:44:02

10:44:06

10:44:21

10:44:24

10:44:30

10:44:34

10:44:41

19 (D. White Deposition Exhibit 18 was marked
20 for identification and attached to the
21 transcript.)
22

10:44:41

10:44:41

10:44:46

1	BY MR. STERN:	10:44:46
2	Q Do you see that e-mail?	10:44:47
3	A I'm looking at it now, sir.	10:44:48
4	Q Do you see this e-mail thread?	10:45:02
5	MR. MARCUS: We are looking at it. It	10:45:05
6	appears to be eight pages long.	10:45:06
7	A I've had a chance to review it, sir.	10:45:36
8	BY MR. STERN:	10:45:38
9	Q Is this the e-mail thread you were	10:45:38
10	referring to that you possibly had overlooked when	10:45:40
11	you wrote your motion?	10:45:46
12	A Well, the second part -- it's kind of a	10:45:53
13	complicated question but this e-mail I did not	10:45:58
14	remember having received until I searched my	10:46:01
15	e-mail and I found it.	10:46:04
16	Is that an answer to your question?	10:46:05
17	Q Why did you search your e-mail to look for	10:46:06
18	this -- for this e-mail thread?	10:46:09
19	A Well, because I had a subpoena from you.	10:46:17
20	Q And when did you look for this e-mail?	10:46:24
21	A I spent a lot of time looking for e-mails.	10:46:30
22	Q When did you look for this e-mail?	10:46:33

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1	A I didn't look for this specific e-mail	10:46:38
2	because I didn't know this specific e-mail existed	10:46:40
3	but I looked for e-mails responsive to your	10:46:43
4	subpoena over a period of time, a couple of	10:46:47
5	months.	10:46:50
6	Q And you found this e-mail sometime prior	10:46:51
7	to September 27, 2021?	10:46:55
8	A That's correct. I found it before I sent	10:47:00
9	it to Mr. Jordan. Is that what you asked me?	10:47:03
10	Q Yes.	10:47:03
11	A Okay. Yes, I found it before I sent it to	10:47:08
12	Mr. Jordan.	10:47:10
13	Q And this was found in your personal e-mail	10:47:11
14	account, danieljwhite@msn.com, correct?	10:47:14
15	A That's correct, sir.	10:47:22
16	Q And the original e-mail in this thread is	10:47:23
17	dated May 22, 2007, correct?	10:47:26
18	A That is correct. It appears to be.	10:47:33
19	Q Appears to be?	10:47:39
20	A Yes, that's the date on the e-mail.	10:47:40
21	Q Now, how did you come to -- were you one	10:47:43
22	of the addressees -- well, let me go back. Let me	10:47:47

1	ask a different question.	10:47:51
2	Did you send the e-mail that purports to	10:47:52
3	be dated May 22, 2007 at 1:24?	10:47:55
4	A I received it at 1:24 a.m.	10:48:01
5	Q You received it? You're not an addressee	10:48:05
6	on the e-mail. How did you receive it?	10:48:07
7	A By blind copy.	10:48:12
8	Q So the sender of that e-mail blind copied	10:48:14
9	you, is that what you're saying?	10:48:18
10	A I don't remember exactly but that would	10:48:23
11	comport with the e-mail. That would answer your	10:48:27
12	question. I don't know what the sender did, who	10:48:31
13	he blind copied.	10:48:34
14	Q Well, how did you receive it?	10:48:35
15	A I received it from	10:48:37
16	jwhite@compassmarketinginc.com.	10:48:39
17	Q And you received it directly from	10:48:43
18	jwhite@compassmarketinginc.com?	10:48:45
19	A I don't remember receiving it but that's	10:48:48
20	what the e-mail would reflect.	10:48:51
21	Q So you have no recollection of receiving	10:48:53
22	this e-mail.	10:48:55

1	How does it reflect that you received a	10:48:56
2	BCC copy of it? I do not see a BCC recipient on	10:49:00
3	here.	10:49:04
4	A I don't know the answer to your question.	10:49:04
5	I mean I don't know the answer.	10:49:06
6	Q So you don't know how you received this?	10:49:10
7	You're only guessing you received a BCC copy if	10:49:12
8	I'm understanding you correctly?	10:49:15
9	MR. MARCUS: Objection, argumentative.	10:49:17
10	A That's correct.	10:49:20
11	BY MR. STERN:	10:49:25
12	Q So I want to make sure that I understand	10:49:25
13	when you say "that's correct."	10:49:27
14	You're guessing that you were a BCC	10:49:29
15	recipient; is that correct?	10:49:31
16	A Well, I don't think guess is a fair word	10:49:34
17	but I'm not positive.	10:49:37
18	Q You have no specific recollection of	10:49:39
19	receiving a BCC copy of this e-mail; is that	10:49:41
20	correct?	10:49:47
21	A I have no specific recollection of	10:49:47
22	receiving this e-mail.	10:49:49

1	Q And why is it that you have not produced	10:49:51
2	that original e-mail that you claim to have	10:49:55
3	received?	10:49:59
4	MR. JORDAN: Objection. I believe that	10:50:02
5	Mr. Marcus produced it yesterday.	10:50:04
6	MR. STERN: He did not.	10:50:07
7	BY MR. STERN:	10:50:07
8	Q Mr. White?	10:50:17
9	A I'm sorry, could you ask me your question	10:50:17
10	again, Mr. Stern?	10:50:19
11	Q Why did you not produce in native format	10:50:21
12	the e-mail that's dated May 22, 2007 at 1:24?	10:50:25
13	A In native format is a new part of your	10:50:31
14	question. That's why I didn't understand. I	10:50:36
15	produced it as best that I could.	10:50:38
16	Q I'm sorry, I can't hear you.	10:50:39
17	A I did produce it in the format that I	10:50:42
18	could.	10:50:44
19	Q So you have the original e-mail in your	10:50:44
20	inbox from jwhite@compassmarketinginc.com to	10:50:47
21	golf4me36@aol.com?	10:50:57
22	A No, sir.	10:51:02

1	Q So you did not produce that e-mail in	10:51:03
2	native format, correct?	10:51:05
3	A Not correct.	10:51:06
4	Q Well, I'm confused.	10:51:07
5	Did you produce this e-mail by itself	10:51:10
6	without any other e-mails in the thread?	10:51:15
7	A That e-mail does not appear -- no, I did	10:51:20
8	not.	10:51:23
9	Q So you did not produce that e-mail in	10:51:24
10	native format, correct?	10:51:28
11	A That e-mail does not appear in my inbox by	10:51:31
12	itself. It appears as part of the thread that I	10:51:35
13	sent to Michael White.	10:51:39
14	Q Now, why does that e-mail not exist in	10:51:40
15	your account by itself?	10:51:43
16	MR. MARCUS: Objection. Answer please.	10:51:46
17	A I do not have the IT background to answer	10:51:48
18	that question, Mr. Stern.	10:51:51
19	BY MR. STERN:	10:51:53
20	Q But you were able to find an e-mail in	10:51:53
21	your account 44 minutes later, correct?	10:51:56
22	A What?	10:52:05

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1	Q The one from you to Michael White on May	10:52:05
2	22, 2007 at 2:08 a.m.	10:52:11
3	A There's only one e-mail in my account.	10:52:14
4	It's the one I sent to Mike and it has the part	10:52:17
5	from John as part of it. I only have one file.	10:52:20
6	Q And that one is 44 minutes after the	10:52:22
7	original e-mail in this thread, correct?	10:52:24
8	A I would have to calculate it but it sounds	10:52:27
9	right.	10:52:32
10	Q So you have the one at 2:08 a.m. in your	10:52:32
11	account but not the one at 1:24 a.m. in your	10:52:35
12	account; is that correct?	10:52:38
13	A In my account it appears as a single	10:52:41
14	conversation, that's correct.	10:52:44
15	Q And why did you forward that e-mail to	10:52:47
16	Michael at 2:08 a.m.?	10:52:51
17	A In 2007?	10:52:55
18	Q In 2007.	10:52:56
19	A I don't remember doing so. I don't	10:52:59
20	remember getting it or reading it or forwarding	10:53:06
21	it. I don't remember that.	10:53:09
22	Q Were you the general counsel of Compass	10:53:12

1	Marketing at the time of this e-mail?	10:53:15
2	A No, sir.	10:53:17
3	Q Do you know why John White would have	10:53:21
4	BCC'd you on the original e-mail in this thread on	10:53:24
5	May 22, 2007?	10:53:29
6	A I do not.	10:53:30
7	Q Was it customary for John White to BCC you	10:53:34
8	on business related e-mails in May 2020 -- 2007?	10:53:38
9	MR. MARCUS: Objection.	10:53:47
10	A It was -- did you say customary?	10:53:47
11	MR. MARCUS: Yes.	10:53:52
12	A He often did it in all the 15 or 20 years	10:53:52
13	we worked together.	10:53:56
14	BY MR. STERN:	10:53:57
15	Q I'm talking about in May 2007. Was it	10:53:57
16	customary for him to BCC you on e-mails?	10:54:01
17	MR. MARCUS: Objection to form.	10:54:04
18	A It was not unusual for John to blind copy	10:54:10
19	me on things.	10:54:13
20	BY MR. STERN:	10:54:16
21	Q Were you expecting to receive this e-mail	10:54:17
22	on May 22, 2007?	10:54:20

1 A That was 15 years ago. I don't remember
2 getting the e-mail or reading the e-mail or
3 forwarding the e-mail or expecting the e-mail or
4 talking about the e-mail or anything about the
5 e-mail at all.

6 Q Did you have any discussions with John
7 White about the employment agreement for
8 Mr. Boshea in or about May of 2007?

9 A I do not remember.

10 Q Were you surprised to see this BCC e-mail
11 in your inbox that you don't specifically remember
12 receiving a BCC copy of?

13 MR. MARCUS: Objection.

14 A I don't remember getting it so I don't
15 remember being surprised by it.

16 BY MR. STERN:

17 Q Did you create the attachment that was in
18 the e-mail from you to Michael White on May 22,
19 2007?

20 A No, sir, I do not remember doing that.
21 Are you asking me if I created it in 2021 or 2007
22 or --

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1	Q Let me -- fair point. Let me ask multiple	10:55:39
2	questions then.	10:55:44
3	Did you create the attachment to the	10:55:46
4	e-mail that you forwarded to Michael White on May	10:55:50
5	22, 2007 at 2:08 a.m.?	10:55:54
6	A I do not believe that I did.	10:55:59
7	Q Did you edit the attachment to the e-mail	10:56:01
8	that you forwarded to Michael White on May 22,	10:56:10
9	2007 at 2:08 a.m.?	10:56:13
10	A I do not believe that I did, Mr. Stern.	10:56:16
11	Q Is the attachment that was -- is the	10:56:19
12	attachment to the e-mail from you to Michael White	10:56:24
13	dated May 22, 2007 at 2:08 a.m. the same	10:56:27
14	attachment that is in the e-mail that you	10:56:35
15	forwarded to Mr. Jordan on September 27, 2021 at	10:56:36
16	4:48 p.m.?	10:56:40
17	A When I found it I did not make any changes	10:56:43
18	before I sent it to Mr. Jordan.	10:56:45
19	Does that answer your question?	10:56:48
20	Q Did you remove the attachment from the	10:56:51
21	e-mail dated May 22, 2007 at 2:08 a.m. and revise	10:56:55
22	it in any way since then?	10:57:00

1 A So when I found it I sent it to
2 Mr. Jordan. I did not make any alterations or
3 deletions or edits and I have not done so since
4 then.

5 Q So your contention is that the attachment
6 to the e-mail that you forwarded to Mr. Jordan on
7 September 27, 2001 at 4:58 p.m. is the same exact
8 attachment that was in the e-mail that you
9 forwarded to Michael White on May 22, 2007 at
10 2:08 a.m. and that's also the same attachment that
11 was on the e-mail from
12 jwhite@compassmarketinginc.com to
13 golf4me36@aol.com on May 22, 2007 at 1:24 a.m.?

14 MR. MARCUS: Objection. He makes no
15 contentions. He's answering questions.

16 MR. STERN: Is that his testimony?

17 MR. MARCUS: His testimony is what the
18 court reporter has taken down.

19 BY MR. STERN:

20 Q Mr. White?

21 A Could you ask me that in little smaller
22 pieces? I'm not trying to be difficult. I just

1 want to -- I haven't changed that e-mail. 10:58:10

2 Q Is the attachment that was -- to the 10:58:13

3 e-mail on May 22, 2007 at 1:24 a.m. the same exact 10:58:16

4 attachment to the e-mail that you forwarded to 10:58:24

5 Mr. Jordan on September 27, 2021 at 4:58 p.m.? 10:58:29

6 A I haven't made any changes to it. 10:58:36

7 Q Are you familiar with the concept of 10:58:42

8 metadata? 10:58:44

9 A Generally. 10:58:45

10 Q Do you know what it is? 10:58:47

11 A Generally. 10:58:48

12 Q What is your understanding of metadata? 10:58:50

13 A It's the source data for any mail that 10:58:55

14 talks about where it was created and how. 10:58:59

15 Q And same thing with Word documents, 10:59:02

16 correct? 10:59:06

17 A As far as I know most electronic files, 10:59:07

18 counsel. 10:59:10

19 Q And so if we were to be able to examine 10:59:12

20 the metadata attached to that original attachment, 10:59:14

21 we would know when it was created and when it was 10:59:17

22 altered, correct? 10:59:20

1	MR. MARCUS: Objection. Are you asking	10:59:23
2	him a technical question?	10:59:28
3	MR. STERN: I'm asking his understanding	10:59:30
4	of metadata.	10:59:32
5	MR. MARCUS: Objection. It's completely	10:59:34
6	irrelevant to what this is about. Completely.	10:59:36
7	Use your time --	10:59:41
8	BY MR. STERN:	10:59:42
9	Q Mr. White?	10:59:42
10	A Would you ask me that question again,	10:59:44
11	Mr. Stern?	10:59:47
12	Q So if we were to have the original	10:59:47
13	attachment to the e-mail on May 22, 2007 at 1:24	10:59:51
14	a.m. we would be able to understand when that	10:59:57
15	attachment was created and who edited it, correct?	10:59:59
16	MR. MARCUS: Objection, calls for	11:00:03
17	speculation. He's not an expert.	11:00:04
18	Answer if you can, please.	11:00:06
19	A I do not know.	11:00:07
20	BY MR. STERN:	11:00:08
21	Q And likewise, we can look at the metadata	11:00:09
22	of the attachment to the e-mail that you forwarded	11:00:13

1	to Mr. Jordan on September 27, 2021 at 4:58 p.m.,	11:00:15
2	correct?	11:00:22
3	MR. MARCUS: Objection.	11:00:23
4	A I do not know.	11:00:24
5	BY MR. STERN:	11:00:30
6	Q And you don't know why you cannot locate	11:00:30
7	the original e-mail of this thread that was	11:00:33
8	44 minutes earlier than the e-mail that you	11:00:37
9	purport to have forwarded to Michael on May 22,	11:00:38
10	2007 at 2:08 a.m.?	11:00:43
11	MR. JORDAN: Objection. I think that	11:00:46
12	misstates his testimony.	11:00:49
13	A In my e-mail it appears as a single	11:00:50
14	conversation.	11:00:56
15	BY MR. STERN:	11:01:02
16	Q But you do not have the original e-mail in	11:01:03
17	that thread as a standalone e-mail, correct?	11:01:05
18	MR. MARCUS: Objection. That's about the	11:01:08
19	fourth or fifth time you've asked that question.	11:01:09
20	Give the same answer, please.	11:01:13
21	A Mr. Stern, it appears as a single e-mail	11:01:16
22	in my inbox from 15 years ago.	11:01:21

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1	BY MR. STERN:	11:01:24
2	Q So there's no way you can authenticate	11:01:24
3	that e-mail on May 22, 2007 at 1:24 a.m.?	11:01:27
4	MR. JORDAN: Objection. Objection.	11:01:35
5	That's misstating his testimony.	11:01:36
6	MR. MARCUS: Calls for a legal conclusion.	11:01:40
7	BY MR. STERN:	11:01:43
8	Q Mr. White, you're a lawyer. You deal with	11:01:44
9	evidence all the time, don't you?	11:01:46
10	A There is a way to authenticate it.	11:01:50
11	Q I'm sorry?	11:01:50
12	A There is a way to authenticate it. I'm	11:01:50
13	telling you that's exactly how it came to my	11:01:50
14	inbox. That's exactly how I found it. That's	11:01:56
15	exactly how I sent it to Mr. Jordan.	11:02:00
16	Q So now you have a specific recollection of	11:02:02
17	receiving that e-mail and that's how it came to	11:02:04
18	your inbox?	11:02:06
19	MR. MARCUS: Objection, argumentative.	11:02:07
20	Misstates the prior testimony.	11:02:09
21	A I don't have a recollection of it, sir.	11:02:10
22		

1	BY MR. STERN:	11:02:12
2	Q So you don't know how that e-mail ended up	11:02:12
3	in your inbox?	11:02:14
4	MR. JORDAN: Objection, misstates his	11:02:16
5	prior testimony.	11:02:18
6	A I assume it ended up like every other	11:02:21
7	e-mail ends up in my inbox, Mr. Stern.	11:02:25
8	BY MR. STERN:	11:02:28
9	Q But you can't locate the standalone e-mail	11:02:29
10	in your inbox?	11:02:31
11	MR. MARCUS: Okay, we're not answering	11:02:33
12	those questions anymore. This is now the fifth or	11:02:34
13	sixth time you've asked the same question. We	11:02:37
14	will not answer it again.	11:02:39
15	MR. STERN: Well, he's going in circles so	11:02:41
16	I want to try to get a clear answer.	11:02:42
17	MR. JORDAN: No, he's being consistent and	11:02:45
18	you just don't like the answer.	11:02:47
19	BY MR. STERN:	11:02:52
20	Q Mr. White?	11:02:52
21	A Mr. Stern, in my inbox it appears as a	11:02:55
22	single conversation.	11:02:58

1 Q So what happened to the original e-mail in
2 that thread that you purport to have forwarded to
3 Michael on May 22, 2007 at 2:08 a.m.?

4 MR. JORDAN: Objection, foundation.
5 You're assuming anything happened to that. He's
6 already testified that it's in the string.

7 BY MR. STERN:

8 Q Mr. White?

9 A I do not know the answer to your question,
10 Mr. Stern.

11 Q Is it your testimony that that e-mail was
12 in your inbox at some point in time and it no
13 longer is in your inbox?

14 MR. MARCUS: Objection. Answer again,
15 please.

16 MR. JORDAN: Objection, misstates his
17 testimony.

18 A Would you ask the question again please,
19 Mr. Stern?

20 BY MR. STERN:

21 Q Is it your testimony that the e-mail on
22 May 22, 2007 at 1:24 a.m. was originally in your

11:02:59

11:03:03

11:03:06

11:03:12

11:03:14

11:03:17

11:03:21

11:03:22

11:03:22

11:03:25

11:03:31

11:03:34

11:03:37

11:03:40

11:03:42

11:03:42

11:03:44

11:03:44

11:03:46

11:03:47

11:03:47

11:03:50

1	inbox at some point in time and it no longer is?	11:03:53
2	MR. MARCUS: Objection.	11:03:57
3	A Mr. Stern, my testimony is I don't	11:03:59
4	remember getting the e-mail or reading the e-mail	11:04:01
5	or forwarding it to Mike. I don't remember that.	11:04:04
6	BY MR. STERN:	11:04:07
7	Q My question is was that e-mail at	11:04:07
8	1:24 a.m. in your inbox at some point in time?	11:04:12
9	MR. MARCUS: Objection.	11:04:19
10	A It would appear that it was.	11:04:21
11	BY MR. STERN:	11:04:23
12	Q And is it your testimony that it is not in	11:04:24
13	your inbox now?	11:04:26
14	MR. MARCUS: Objection.	11:04:28
15	A That's not my testimony.	11:04:30
16	BY MR. STERN:	11:04:32
17	Q Then why did you not produce that e-mail	11:04:33
18	in native format with the attachment to it by	11:04:35
19	itself?	11:04:39
20	MR. MARCUS: Objection. Answer again.	11:04:40
21	A Because it's in my inbox as part of a	11:04:42
22	single conversation.	11:04:45

1	BY MR. STERN:	11:04:46
2	Q Well, then that single conversation is a	11:04:46
3	different e-mail. The e-mail that you're	11:04:49
4	referring to is the one dated May 22, 2007 at	11:04:51
5	2:08 a.m. I'm asking specifically about the	11:04:56
6	e-mail on May 22, 2007 at 1:24 a.m.	11:04:58
7	Where is that e-mail if it's not -- is it	11:05:02
8	in your inbox, yes or no?	11:05:05
9	MR. MARCUS: Mr. Stern, this is the fifth	11:05:06
10	or sixth time you have asked the same question.	11:05:08
11	As you know the rules are very clear about this	11:05:11
12	kind of examination. Now, either you're going to	11:05:14
13	move on to something else or we're going to be in	11:05:18
14	a position to have to take this up. You are not	11:05:21
15	permitted to do this. Now, you have a limited	11:05:24
16	amount of time and you're using it unwisely but	11:05:26
17	that's a matter that you'll have to deal with.	11:05:29
18	BY MR. STERN:	11:05:32
19	Q Mr. White?	11:05:33
20	A Mr. Stern --	11:05:36
21	Q Is that e-mail as a standalone e-mail in	11:05:37
22	your inbox, yes or no?	11:05:39

1	A Mr. Stern, that e-mail is a single	11:05:42
2	conversation.	11:05:46
3	Q That's not my question.	11:05:47
4	The e-mail on May 22, 2007 at 1:24 a.m.,	11:05:51
5	is that e-mail by itself in your inbox?	11:05:54
6	MR. MARCUS: Objection, asked and	11:05:59
7	answered. Answer it again.	11:06:01
8	A It's not.	11:06:04
9	BY MR. STERN:	11:06:06
10	Q I cannot hear you.	11:06:06
11	A I cannot find it by itself. It's part of	11:06:07
12	a conversation.	11:06:12
13	Q Do you know what happened to that e-mail	11:06:12
14	and why it's no longer in your inbox?	11:06:15
15	MR. MARCUS: Objection, assumes facts not	11:06:19
16	in evidence. Answer again, please.	11:06:20
17	A I do not know.	11:06:22
18	BY MR. STERN:	11:06:29
19	Q You understand that Compass Marketing	11:06:29
20	contends that the agreement that's attached to	11:06:31
21	this e-mail thread is not a real agreement that	11:06:33
22	was actually entered into? Do you understand that	11:06:37

1	to be the case?	11:06:40
2	MR. MARCUS: Objection, calls for	11:06:42
3	speculation on the part of the witness.	11:06:47
4	MR. STERN: I asked for his understanding.	11:06:49
5	Thank you for the speaking objection. Please	11:06:52
6	stop.	11:06:53
7	BY MR. STERN:	11:06:53
8	Q Is that your understanding, Mr. White?	11:06:54
9	A Would you finish the question?	11:06:56
10	Q Is it your understanding that Compass	11:06:59
11	Marketing contends that the attachment to this	11:07:01
12	e-mail thread is not a real document that existed	11:07:03
13	as of May 2007?	11:07:07
14	A It is my contention that's what you and	11:07:11
15	John say. It's not -- I do not believe that's	11:07:13
16	what Compass says.	11:07:16
17	Q Why are you including me in your answer?	11:07:17
18	A Because you're John's lawyer.	11:07:20
19	Q So it's your understanding I represent	11:07:22
20	John White?	11:07:24
21	A Yes, sir.	11:07:25
22	Q On what basis do you say I represent John	11:07:26

1	White?	11:07:31
2	A Because all of your actions appear to me	11:07:31
3	to be designed to help John White instead of	11:07:36
4	Compass Marketing.	11:07:40
5	Q Can you be more specific? What actions	11:07:41
6	are designed to help John White, not Compass	11:07:43
7	Marketing?	11:07:46
8	MR. MARCUS: Objection. This deposition	11:07:46
9	is to deal with the Complaint that has been filed.	11:07:49
10	You are now way beyond it again. I think you	11:07:53
11	are --	11:07:57
12	MR. STERN: Mr. Marcus, your client does	11:07:58
13	not get to give answers and then I'm not allowed	11:08:01
14	to follow-up on them. That's not the way it	11:08:03
15	works.	11:08:04
16	MR. MARCUS: Well, it does work that way	11:08:04
17	if your questions are irrelevant and outside the	11:08:07
18	scope of permissible discovery in a case that is	11:08:10
19	before the Court. The fact that you ask questions	11:08:13
20	that are irrelevant and not related to	11:08:15
21	discovery --	11:08:18
22		

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1	MR. STERN: First of all, Mr. Marcus, you	11:08:18
2	do not have any say as to what's relevant and	11:08:21
3	what's not. You're not a party to this case and	11:08:24
4	neither is your client, all right?	11:08:26
5	MR. MARCUS: And if you read the rules,	11:08:28
6	sir, you'll understand that the rule distinguishes	11:08:29
7	between acts of the deponent and party. They are	11:08:32
8	separate.	11:08:35
9	MR. STERN: Understood. Your client has	11:08:37
10	injected me into this deposition twice.	11:08:40
11	MR. MARCUS: At your behest.	11:08:42
12	MR. STERN: And I'm -- no, I ask an open	11:08:44
13	ended question and he brings it up.	11:08:46
14	BY MR. STERN:	11:08:46
15	Q So now what are you talking about,	11:08:48
16	Mr. White, as to why I represent John White	11:08:50
17	personally?	11:08:54
18	MR. JORDAN: Objection to relevance as to	11:08:55
19	David Boshea's claims against Compass or Compass's	11:08:58
20	claims against David Boshea and the John Does.	11:09:03
21	MR. MARCUS: And Mr. Stern, these issues	11:09:07
22	that you are inquiring about now are related to	11:09:08

1 collateral proceedings which involve you 11:09:11
2 personally and so to the extent that you are 11:09:13
3 trying to conduct discovery in matters that are 11:09:16
4 related to collateral proceedings, you are out of 11:09:18
5 bounds. 11:09:22

6 MR. STERN: No, I'm not. He was the one 11:09:23
7 that brought them up. 11:09:24

8 BY MR. STERN: 11:09:24

9 Q Now Mr. White, please answer the question. 11:09:25

10 MR. MARCUS: All right, I'm going to 11:09:28
11 instruct him. We are taking this up with the 11:09:29
12 judge and we will explain to the judge what the 11:09:31
13 purpose of your questions are and the context in 11:09:33
14 which these questions have arisen and to the 11:09:35
15 extent that they are collateral in nature through 11:09:39
16 other proceedings separate and apart from this 11:09:41
17 lawsuit, the Court will be made aware of your 11:09:44
18 reasons and the purpose for these questions. 11:09:47

19 MR. STERN: Very good. Are you 11:09:49
20 instructing him not to answer? 11:09:50

21 MR. MARCUS: I am telling you we will file 11:09:52
22 a motion -- 11:09:53

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1	MR. STERN: Are you instructing him not to	11:09:55
2	answer?	11:09:56
3	MR. MARCUS: We will file a motion for a	11:09:57
4	protective order on this subject.	11:09:59
5	MR. STERN: Are you instructing him not to	11:10:00
6	answer?	11:10:02
7	MR. MARCUS: I am instructing him to	11:10:05
8	follow Rule 30(b) --	11:10:07
9	MR. STERN: Until I hear you saying that	11:10:10
10	you're instructing him not to answer, please	11:10:12
11	answer the question, Mr. White.	11:10:14
12	A Would you say the question again, please?	11:10:15
13	BY MR. STERN:	11:10:17
14	Q On what basis do you contend that I'm John	11:10:17
15	White's personal attorney?	11:10:21
16	MR. JORDAN: Objection to the relevance as	11:10:25
17	stated previously.	11:10:27
18	A I didn't mean to say you're his personal	11:10:28
19	attorney.	11:10:33
20	BY MR. STERN:	11:10:33
21	Q I can't hear you.	11:10:33
22	A I did not mean to say that you're his	11:10:34

1	personal attorney.	11:10:37
2	MR. BOSHEA: If I may can we take a break?	11:10:40
3	MR. STERN: No.	11:10:43
4	MR. JORDAN: David, please turn off your	11:10:43
5	microphone.	11:10:46
6	BY MR. STERN:	11:10:47
7	Q Now, going back to my original question	11:10:48
8	that I asked about this, is it your understanding	11:10:49
9	that Compass Marketing contends that the	11:10:51
10	attachment to this e-mail thread is not a real	11:10:54
11	document that was in existence in May of 2007?	11:10:58
12	MR. JORDAN: Objection, calls for him to	11:11:01
13	speculate. I don't know that to be true.	11:11:05
14	A I do not know.	11:11:07
15	BY MR. STERN:	11:11:12
16	Q Do you understand that Compass Marketing	11:11:13
17	believes that this is a part of a fraudulent	11:11:14
18	scheme that you, Michael and Mr. Boshea put	11:11:17
19	together to try to extract money from Compass	11:11:19
20	Marketing?	11:11:23
21	MR. JORDAN: Objection to that and not	11:11:23
22	only that, I don't know that I got that	11:11:25

1	understanding as to that Compass Marketing	11:11:27
2	believes that so there's no foundation.	11:11:29
3	MR. MARCUS: Objection.	11:11:34
4	BY MR. STERN:	11:11:34
5	Q Mr. White?	11:11:34
6	MR. MARCUS: Go ahead and answer.	11:11:35
7	A Would you ask me the question again,	11:11:36
8	please, Mr. Stern?	11:11:38
9	BY MR. STERN:	11:11:38
10	Q Do you understand that Compass Marketing	11:11:39
11	believes that this is a scheme that you, Michael	11:11:41
12	White and Mr. Boshea put together to try to	11:11:43
13	extract money from the company?	11:11:46
14	MR. MARCUS: Same objection.	11:11:48
15	A I don't believe that's true.	11:11:49
16	BY MR. STERN:	11:11:51
17	Q What don't you believe to be true?	11:11:51
18	A Your statement.	11:11:56
19	Q That it's Compass Marketing's contention	11:11:57
20	or that this is a scheme that you, Michael and	11:12:00
21	Mr. Boshea put together?	11:12:02
22		

1	MR. MARCUS: Objection.	11:12:05
2	A Either one of those.	11:12:06
3	BY MR. STERN:	11:12:10
4	Q Have you undertaken any other severance	11:12:11
5	related schemes to extract money from Compass	11:12:14
6	Marketing previously?	11:12:17
7	MR. MARCUS: Objection.	11:12:17
8	MR. JORDAN: Objection to the use of the	11:12:18
9	word "scheme" which is argumentative and the	11:12:23
10	relevance of the question.	11:12:25
11	BY MR. STERN:	11:12:27
12	Q Mr. White?	11:12:27
13	A Would you ask the question again?	11:12:32
14	Q Have you undertaken any other scheme that	11:12:34
15	you, Michael White have undertaken to extract	11:12:37
16	money through severance from Compass Marketing for	11:12:40
17	other employees?	11:12:42
18	MR. JORDAN: Same objection.	11:12:44
19	A I don't understand the question.	11:12:48
20	BY MR. STERN:	11:12:52
21	Q Have you ever concocted a severance -- a	11:12:52
22	story about a severance agreement for an employee	11:12:56

1	of Compass Marketing to extract money from the	11:13:00
2	company when there was really no severance	11:13:03
3	agreement?	11:13:05
4	MR. JORDAN: Restate my previous	11:13:07
5	objection.	11:13:09
6	A I don't understand your question.	11:13:13
7	BY MR. STERN:	11:13:17
8	Q I'll ask it again.	11:13:17
9	Have you and Michael White engaged in any	11:13:19
10	prior plan to create a severance scheme or -- let	11:13:23
11	me ask the question differently.	11:13:30
12	Have you and Michael White previously	11:13:33
13	created a false severance plan for an employee of	11:13:35
14	Compass Marketing to extract money from the	11:13:40
15	company?	11:13:44
16	MR. JORDAN: Objection, relevance and	11:13:45
17	argumentative.	11:13:47
18	MR. MARCUS: Objection. Answer.	11:13:48
19	A I have no idea what you're talking about,	11:13:49
20	Mr. Stern.	11:13:51
21	MR. STERN: Okay, I'd like to address your	11:13:53
22	attention to an e-mail that is dated October 15,	11:13:56

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1	2015 at 10:51 a.m.	11:14:03
2	MS. YEUNG: What's the Bates number on	11:14:14
3	that?	11:14:16
4	MR. STERN: There's no Bates number on	11:14:16
5	this one. This relates to another severance	11:14:18
6	related e-mail.	11:14:31
7	MS. YEUNG: I'm sorry, was that	11:14:53
8	October 15th at 10:51 a.m.?	11:14:54
9	MR. STERN: Yes, and there's one	11:14:57
10	attachment to it.	11:15:00
11	MS. YEUNG: It starts with Forward: CCD?	11:15:01
12	MR. STERN: Yes.	11:15:07
13	MS. YEUNG: Okay, thank you.	11:15:09
14	BY MR. STERN:	11:15:25
15	Q Mr. White, do you see this e-mail on the	11:15:26
16	screen?	11:15:30
17	MR. MARCUS: Not yet.	11:15:37
18	MS. YEUNG: Just a moment. Here we go.	11:15:42
19	(D. White Deposition Exhibit 19 was marked	11:15:42
20	for identification and attached to the	11:15:42
21	transcript.)	11:16:17
22		

1	BY MR. STERN:	11:16:17
2	Q Do you see this e-mail, Mr. White?	11:16:18
3	MR. MARCUS: We've just gotten it so we'll	11:16:21
4	take a look at it.	11:16:24
5	(Pause in the proceedings.)	11:16:59
6	A I see the e-mail.	11:16:59
7	BY MR. STERN:	11:17:02
8	Q This is an e-mail from you to -- on your	11:17:03
9	compassmarketinginc.com account to John White and	11:17:07
10	Michael White dated October 15, 2015 at	11:17:10
11	10:51 a.m., do you see that?	11:17:17
12	A That's what you say it is.	11:17:18
13	Q Did I mischaracterize the e-mail?	11:17:19
14	A I don't know what it is.	11:17:22
15	Q Is that what the e-mail says?	11:17:23
16	A That's the date on the e-mail, that's	11:17:27
17	correct.	11:17:29
18	Q Did you send that e-mail to John White and	11:17:29
19	Michael White?	11:17:33
20	A I do not know.	11:17:33
21	Q At the very top of the upper right-hand	11:17:36
22	corner do you see it says Michael White -- I'm	11:17:40

1	sorry, it says Mike White	11:17:43
2	, do you see that?	11:17:46
3	A I do see that.	11:17:55
4	Q Do you know why that e-mail address is up	11:17:55
5	there on this printout?	11:17:57
6	A I do not know.	11:18:00
7	Q Now, in this e-mail it says "Copy of first	11:18:02
8	payment on the DiPaula/Miller severance attached,"	11:18:06
9	do you see that?	11:18:12
10	A I see that.	11:18:12
11	Q What severance agreement are you referring	11:18:13
12	to to DiPaula and Miller?	11:18:16
13	A I do not know I'm referring to anything.	11:18:19
14	I don't know if this is my e-mail or not.	11:18:22
15	Q You don't know whether or not you sent	11:18:25
16	this e-mail?	11:18:26
17	A I don't know if this exhibit is an e-mail	11:18:28
18	that I sent or not.	11:18:31
19	Q Do you know now that you're looking at it?	11:18:39
20	MR. JORDAN: Stephen, in order to question	11:18:39
21	the witness about an e-mail you're going to need	11:18:41
22	to have him identify his knowledge of the e-mail.	11:18:43

1	BY MR. STERN:	11:18:45
2	Q "As a reminder, I/we agreed to 15K each	11:18:46
3	for any/all pay and liability plus 20K to CD for	11:18:50
4	his expenses," do you see that?	11:18:56
5	MR. JORDAN: Objection, foundation.	11:18:58
6	A I see the e-mail that you've attached.	11:18:59
7	BY MR. STERN:	11:19:03
8	Q Did you write that?	11:19:03
9	A I do not know.	11:19:05
10	Q Did you -- looking at this now does this	11:19:07
11	refresh your recollection about some agreement you	11:19:11
12	may have reached with Mr. DiPaula?	11:19:13
13	A I do recall an agreement that I reached	11:19:17
14	with Mr. DiPaula.	11:19:19
15	Q What was the agreement you reached with	11:19:20
16	Mr. DiPaula?	11:19:22
17	A To settle monies that the company owed him	11:19:24
18	for his work at Compass Marketing before he left.	11:19:28
19	Q When did Mr. DiPaula leave the company?	11:19:32
20	A I do not remember.	11:19:35
21	Q Was it in 2014 or 2015?	11:19:37
22	A I do not remember.	11:19:41

1 Q Is there a written agreement that reflects
2 these terms?

3 A I do not remember.

4 Q Do you remember whether there was a verbal
5 agreement?

6 A I do not remember how we made an
7 agreement, whether it's verbal or written.

8 Q Do you remember -- at the bottom of the
9 e-mail it says will need 1099s for them at year
10 end.

11 Before I get to that, did you have a
12 similar agreement with Mr. Miller?

13 A I only met with Mr. DiPaula. He made an
14 agreement for both of them.

15 Q So he negotiated an agreement with you for
16 both him and Mr. Miller?

17 MR. MARCUS: Objection to form.

18 MR. JORDAN: I'm confused. Who is "he"?

19 MR. STERN: Mr. DiPaula.

20 MR. MARCUS: Objection to the form of the
21 question.

22 A Mr. DiPaula is the only person that I

1	spoke to about an agreement.	11:20:44
2	BY MR. STERN:	11:20:46
3	Q So you never spoke with Mr. Miller about a	11:20:46
4	severance agreement?	11:20:50
5	A So Mr. DiPaula is the only person that I	11:20:50
6	spoke to about an agreement.	11:20:53
7	Q I'm talking about a severance agreement.	11:20:54
8	MR. MARCUS: Objection, asked and	11:20:58
9	answered. Answer it again.	11:21:00
10	A Mr. DiPaula is the only person I spoke to	11:21:02
11	about an agreement to pay him money for his work	11:21:06
12	at Compass after he left.	11:21:10
13	BY MR. STERN:	11:21:13
14	Q Did that agreement with Mr. DiPaula exist	11:21:13
15	prior to his resignation?	11:21:18
16	A I do not know what existed prior to his	11:21:24
17	resignation.	11:21:27
18	Q Do you recall what the total amount was	11:21:29
19	that you agreed to pay Mr. DiPaula after his	11:21:31
20	employment with Compass Marketing ended?	11:21:34
21	A I do not.	11:21:39
22	Q Were these discussions with Mr. DiPaula in	11:21:39

1	person or in writing?	11:21:42
2	MR. JORDAN: Objection to the relevance of	11:21:45
3	this.	11:21:48
4	A Most of the discussions were in person. I	11:21:51
5	do not remember if there's any writings.	11:21:54
6	MR. MARCUS: None of this has anything at	11:21:58
7	all to do with the Complaint that's filed in the	11:21:59
8	case.	11:22:02
9	MR. STERN: But it does and I'm getting to	11:22:03
10	that in a moment.	11:22:05
11	MR. MARCUS: Okay, so I think we got to	11:22:07
12	get there at some point.	11:22:10
13	BY MR. STERN:	11:22:12
14	Q It says here we will need 1099s for them	11:22:12
15	at year end.	11:22:15
16	Do you recall issuing those 1099s?	11:22:16
17	A I see that it says that on your exhibit.	11:22:20
18	I do not know if this was an e-mail that I sent or	11:22:22
19	not.	11:22:25
20	Q Do you know whether or not taxes -- why	11:22:26
21	taxes would not have been withheld from these	11:22:29
22	payments to Mr. DiPaula and Mr. Miller?	11:22:32

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1	MR. MARCUS: Objection, assumes facts not	11:22:36
2	in evidence. Answer please.	11:22:37
3	A I do not know.	11:22:40
4	BY MR. STERN:	11:22:41
5	Q Now, attached to this e-mail is a check	11:22:42
6	that purports to be the first payment on the	11:22:46
7	Miller/DiPaula severance, correct?	11:22:50
8	MR. JORDAN: Objection to relevance. Can	11:22:55
9	you connect this up?	11:22:59
10	BY MR. STERN:	11:23:00
11	Q Mr. White?	11:23:01
12	A Would you ask the question again,	11:23:03
13	Mr. Stern?	11:23:05
14	Q Is this an e-mail -- is this check, a copy	11:23:06
15	of the check that purports to be the first	11:23:07
16	severance payment you reference in your e-mail?	11:23:12
17	A I don't agree that it's my e-mail and I	11:23:14
18	don't know whether that's true or not.	11:23:18
19	Q So you're saying someone else sent this	11:23:20
20	e-mail in your name?	11:23:22
21	MR. MARCUS: Objection, misstates his	11:23:24
22	testimony.	11:23:25

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1	BY MR. STERN:	11:23:29
2	Q Mr. White?	11:23:30
3	MR. MARCUS: Answer it again.	11:23:31
4	A I didn't say anybody sent this e-mail. I	11:23:32
5	didn't say any such thing.	11:23:35
6	BY MR. STERN:	11:23:37
7	Q So you think this e-mail is not real?	11:23:37
8	MR. MARCUS: Objection, misstates his	11:23:39
9	testimony.	11:23:41
10	A I do not know.	11:23:42
11	BY MR. STERN:	11:23:45
12	Q So you don't know whether or not this is	11:23:45
13	an authentic e-mail?	11:23:47
14	A That's correct, I do not know.	11:23:50
15	Q Well, let's go to the attachment. The	11:23:52
16	attachment purports to be a check dated	11:23:57
17	October 14, 2015 to the order of James C. DiPaula,	11:24:02
18	Jr. for \$10,000, do you see that?	11:24:07
19	A I see your exhibit, sir.	11:24:11
20	Q And the payee or I guess the person	11:24:14
21	authorizing this check says Daniel J. White,	11:24:18
22	Remitter, right? Do you see that?	11:24:24

1	A I see your exhibit, sir.	11:24:25
2	Q Now, you recall having an agreement with	11:24:26
3	Mr. DiPaula.	11:24:31
4	Is this the payment for Mr. DiPaula's	11:24:32
5	severance?	11:24:36
6	A I do not know.	11:24:36
7	Q Why would you be sending a check to	11:24:37
8	Mr. DiPaula that's not from a Compass Marketing	11:24:40
9	account?	11:24:42
10	MR. JORDAN: Objection, foundation.	11:24:44
11	A I don't know if that's the check I gave	11:24:51
12	Mr. DiPaula or not.	11:24:53
13	BY MR. STERN:	11:24:55
14	Q Well, it is a check that's from M & T	11:24:56
15	Bank, correct?	11:24:58
16	A That's what you say. I do not know.	11:24:59
17	Q Is there anything on there that indicates	11:25:01
18	that this check is from Compass Marketing?	11:25:03
19	A I don't even know if it's a check. I	11:25:07
20	don't know anything about that, sir.	11:25:10
21	Q It says Official Check at the top, doesn't	11:25:11
22	it?	11:25:14

1	A I can see the words but I don't know	11:25:14
2	anything about that attachment or that e-mail. I	11:25:16
3	don't know if that's an e-mail from me and its	11:25:19
4	attachments. I don't know about that e-mail.	11:25:23
5	Q You don't know anything about that?	11:25:25
6	You have no idea how this e-mail was	11:25:27
7	created and you have no idea how that check was	11:25:30
8	created?	11:25:33
9	MR. MARCUS: Answer one more time.	11:25:34
10	MR. JORDAN: Objection, compound and	11:25:36
11	misstates his prior testimony regarding the	11:25:41
12	e-mail.	11:25:43
13	BY MR. STERN:	11:25:43
14	Q Let me ask you have no idea how that	11:25:44
15	e-mail came to be; is that correct?	11:25:45
16	A Sir, I'm not sure if it is an e-mail. I	11:25:48
17	don't know what it is. I don't know.	11:25:51
18	Q You have no idea how that check came to be	11:25:53
19	written; is that correct?	11:25:56
20	A I don't know if that is a check.	11:25:57
21	Q It says Official Check.	11:25:59
22	A I know what it says. This is your exhibit	11:26:00

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1	that you brought. I don't know what it is.	11:26:04
2	MR. STERN: Then let's go to a new	11:26:08
3	exhibit. I'd like to show you --	11:26:18
4	MR. JORDAN: Before we do we've been going	11:26:21
5	for another hour. Can we take like a five or ten	11:26:23
6	minute break before we start --	11:26:28
7	MR. STERN: In a few minutes. I would	11:26:28
8	like to go through these exhibits first. It's	11:26:30
9	been less than an hour.	11:26:33
10	MR. JORDAN: No, it's been more than an	11:26:35
11	hour.	11:26:36
12	MR. STERN: It's not.	11:26:36
13	MR. JORDAN: That's okay. Just go through	11:26:36
14	the -- I'm not going to argue with you. Just go	11:26:36
15	through the exhibits and we'll take a break.	11:26:38
16	MR. STERN: The next one is a check dated	11:26:40
17	December 9, 2015.	11:26:43
18	Heather, do you see that check?	11:26:54
19	MS. YEUNG: The amount of the check?	11:26:57
20	MR. STERN: M & T Bank check.	11:27:03
21	MS. YEUNG: Not the one we were just	11:27:05
22	looking at?	11:27:07

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1	MR. STERN: No, a different one.	11:27:09
2	MS. YEUNG: Found it, okay. This is part	11:27:14
3	of the same exhibit we were just looking at.	11:27:34
4	MR. STERN: It's in the same exhibit?	11:27:38
5	Okay.	11:27:39
6	MS. YEUNG: This would be page six. I'm	11:27:40
7	going to double-check the e-mail that went out to	11:27:44
8	everyone. If I'm mistaken I'll resend.	11:27:48
9	MR. MARCUS: Why don't you guys get your	11:27:52
10	exhibits together. We're going to take a break	11:27:53
11	for five minutes and we'll be back.	11:27:56
12	MR. STERN: All right.	11:27:57
13	THE VIDEOGRAPHER: We are now going off	11:27:59
14	the record. The time is 11:29 a.m.	11:28:00
15	(A brief recess was taken.)	11:36:40
16	THE VIDEOGRAPHER: We are now back on the	11:36:40
17	record. This begins disk number three. The time	11:36:41
18	is 11:37 a.m.	11:36:43
19	(D. White Deposition Exhibit 20 was marked	11:36:43
20	for identification and attached to the	11:36:43
21	transcript.)	11:36:46
22		

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1 MR. STERN: Okay, and we were -- there was
2 apparently some misunderstanding or
3 miscommunication about the last exhibit. The last
4 exhibit -- or I guess there was an introduction of
5 an exhibit for a check dated December 9, 2015 but
6 the previous exhibit before that should have been
7 just a two page document. One is an e-mail dated
8 October 15, 2015 at 10:51 a.m. is the most recent
9 in the string. There was another one beneath that
10 and attached to it was a copy of an Official Check
11 from M & T Bank. Remitter Dan White -- Daniel J.
12 White dated October 14, 2015 for \$10,000 paid to
13 the order of James C. DiPaula. Those two pages is
14 one document and that's one exhibit. I guess
15 that's 19 and then we're on to 20 if I'm doing the
16 numbering correctly. 20 being an Official Check,
17 M & T Bank. Remitter Daniel White dated
18 December 9, 2015 paid to the order of James Chip
19 DiPaula for \$25,000.

20 MR. JORDAN: Hold on. What is that? I
21 have a corrected Exhibit 19 is the e-mail and the
22 \$10,000 check. That's what Heather just sent to

11:36:46
11:36:49
11:36:50
11:36:52
11:36:56
11:37:00
11:37:02
11:37:07
11:37:11
11:37:14
11:37:17
11:37:21
11:37:24
11:37:27
11:37:31
11:37:33
11:37:37
11:37:42
11:37:45
11:37:48
11:37:51
11:37:55

1	us.	11:37:58
2	MR. STERN: Yes, and then there should be	11:37:58
3	a separate exhibit of a check of -- a copy of a	11:38:04
4	check dated December 9, 2015. That's the next	11:38:09
5	exhibit. That should be exhibit -- is that Number	11:38:12
6	20, court reporter?	11:38:16
7	MS. YEUNG: Each e-mail has the number of	11:38:27
8	the exhibit on top. We just need to switch sheet	11:38:30
9	19 and only the corrected version was asked about.	11:38:35
10	THE TECH: Right, I'm just going with what	11:38:42
11	you have on the top of the e-mail.	11:38:45
12	MS. YEUNG: I've circulated what should be	11:38:47
13	Exhibit 20 which is the check that Mr. Stern began	11:38:49
14	asking about before the break.	11:38:53
15	MR. STERN: Now, I want to go back to	11:38:55
16	Exhibit 19.	11:38:57
17	Heather, just hold 20 momentarily. We'll	11:38:58
18	go back to the e-mail with the \$10,000 check	11:39:01
19	attached.	11:39:04
20	BY MR. STERN:	11:39:04
21	Q Mr. White, on the third line in the second	11:39:08
22	paragraph in that e-mail there's a reference to	11:39:14

1	"triple damages the AG would have made us pay."	11:39:21
2	Did you have any discussions with the	11:39:23
3	Attorney General about any claims by Mr. DiPaula	11:39:25
4	or Mr. Miller?	11:39:27
5	A No, sir.	11:39:31
6	Q What were you referring to then in this	11:39:35
7	e-mail about the AG?	11:39:37
8	MR. MARCUS: Objection.	11:39:42
9	A I don't agree that I did send this e-mail	11:39:43
10	or that it's mine.	11:39:45
11	BY MR. STERN:	11:39:48
12	Q Now, the check attached to it does purport	11:39:48
13	to be a check to Mr. DiPaula, correct?	11:39:52
14	A That's what you purport it to be.	11:39:56
15	Q And it purports to be -- does this purport	11:39:59
16	to be the check according to this e-mail for	11:40:05
17	payment of his severance, correct?	11:40:09
18	A That's what you purport it to be, sir.	11:40:12
19	Q Have you paid any Compass employees other	11:40:16
20	than Mr. DiPaula for checks that don't -- with	11:40:21
21	checks that don't come from a Compass Marketing	11:40:26
22	operating account?	11:40:30

1	MR. JORDAN: Objection to the relevance of	11:40:30
2	this.	11:40:32
3	A I'm not agreeing that these are payments	11:40:35
4	that I made to Mr. DiPaula but I will say I do not	11:40:38
5	remember paying people with checks that did not	11:40:42
6	come from Compass except for Mr. DiPaula.	11:40:45
7	BY MR. STERN:	11:40:50
8	Q So the only time that you recall making	11:40:50
9	any payments to Mr. DiPaula -- I'm sorry, the only	11:40:52
10	time you remember making any payments to a Compass	11:40:55
11	employee for wages or sums due to them for their	11:40:58
12	time with Compass where it didn't come from a	11:41:02
13	Compass Marketing account is the payment or	11:41:03
14	payments to Mr. DiPaula; is that correct?	11:41:06
15	MR. MARCUS: Objection to the form of the	11:41:09
16	question.	11:41:10
17	MR. STERN: Fair enough. I'll rephrase	11:41:11
18	the question.	11:41:13
19	BY MR. STERN:	11:41:14
20	Q Am I understanding you correctly that the	11:41:15
21	only time you paid a Compass Marketing employee	11:41:17
22	whether current or former sums that they were due	11:41:21

1 from Compass Marketing from an account that wasn't 11:41:25
2 a Compass Marketing account is this instance with 11:41:28
3 Mr. DiPaula? 11:41:31

4 MR. MARCUS: Objection to the form. 11:41:33

5 MR. JORDAN: Objection, misstates his 11:41:34
6 testimony. 11:41:36

7 A I do not remember paying anyone at Compass 11:41:39
8 Marketing with an account other than a Compass 11:41:45
9 check except for Mr. DiPaula. I -- 11:41:48

10 BY MR. STERN: 11:41:51

11 Q Why did you pay -- I'm sorry, I didn't 11:41:51
12 hear you. 11:41:53

13 Did you have more to say? I couldn't hear 11:41:54
14 you. 11:41:56

15 A I just want to repeat myself. I don't 11:41:57
16 remember ever doing that another time. 11:42:00

17 Q Why did you pay Mr. DiPaula with a check 11:42:02
18 that wasn't from a Compass Marketing account? 11:42:05

19 MR. JORDAN: Objection, misstates his 11:42:07
20 testimony. 11:42:09

21 MR. MARCUS: Objection. 11:42:10

22 A I was -- I wanted to pay Mr. DiPaula with 11:42:11

1	bank checks because I was concerned that John	11:42:16
2	would either cancel the checks that were written	11:42:18
3	or not make them good or we would bounce them, one	11:42:21
4	of those three. I didn't generally pay people. I	11:42:25
5	wanted to make sure those payments were good.	11:42:28
6	BY MR. STERN:	11:42:31
7	Q And what specifically was the payment for?	11:42:31
8	A My recollection of the payment was that it	11:42:36
9	was -- that John had agreed to pay Chip some money	11:42:38
10	that he had never paid him and that Chip was	11:42:44
11	getting frustrated with that situation so John	11:42:47
12	asked me to step in and to see if I could work it	11:42:49
13	out with Chip.	11:42:53
14	Q Why were you concerned that John White was	11:42:53
15	going to cancel the check?	11:42:56
16	A John had a practice of pretending to send	11:42:59
17	checks that he never sent, sending pictures of	11:43:03
18	checks that he never sent, canceling checks that	11:43:06
19	he'd sent, promising checks but not sending them	11:43:09
20	and because he asked me to make this agreement and	11:43:13
21	because I thought that Chip was close to	11:43:15
22	complaining to the Attorney General like he told	11:43:19

1 John he was close to doing, I thought we should 11:43:21
2 not screw around on this one so I only agreed to 11:43:23
3 intervene on the agreement that we would actually 11:43:26
4 do what we agreed to do. 11:43:29

5 Q So how were you planning on accounting for 11:43:30
6 taxes by having the money go through an account 11:43:32
7 other than Compass Marketing? 11:43:35

8 A I wasn't planning on the accounting. 11:43:38

9 Q I can't hear you. 11:43:41

10 A I was not planning on the accounting. I 11:43:42
11 was planning on making sure we did not lie to Chip 11:43:45
12 DiPaula. 11:43:49

13 Q Now, the next -- going back to Exhibit 20 11:43:51
14 if I got the numbers correctly, that's the 11:43:55
15 December 9, 2015 check. 11:43:58

16 What does this check represent? 11:44:18

17 A I do not know. 11:44:20

18 Q It has your name on it, correct? 11:44:22

19 A I don't agree with that. 11:44:24

20 Q You don't agree that's your name in the 11:44:27
21 upper left corner saying Remitter? 11:44:29

22 A That's my signature but I don't remember 11:44:32

1	seeing this. I don't know where it came from. I	11:44:34
2	don't make any representations as to this exhibit.	11:44:37
3	Q Is this part of the amounts that you claim	11:44:42
4	were due to Mr. DiPaula?	11:44:46
5	MR. MARCUS: Objection.	11:44:50
6	A I do not know about your exhibit, sir.	11:44:52
7	BY MR. STERN:	11:44:57
8	Q You said it's your signature on there.	11:44:57
9	Where is your signature?	11:44:59
10	A I didn't mean to say that's my signature.	11:45:01
11	I said I do not know about your exhibit. I will	11:45:03
12	say if it's helpful I did make a series of	11:45:07
13	payments to Chip DiPaula by cashier's check under	11:45:10
14	our agreement. I do not know the amounts or	11:45:14
15	dates.	11:45:16
16	Q How many checks total did you pay	11:45:17
17	Mr. DiPaula in these series of checks?	11:45:20
18	MR. JORDAN: Objection to relevance of	11:45:23
19	this. It seems to me like this is some sort of	11:45:25
20	dispute between John White, Compass and Dan White.	11:45:27
21	It has nothing to do with David Boshea. In fact,	11:45:32
22	the Court has already quashed a subpoena to Chip	11:45:37

1	DiPaula.	11:45:41
2	BY MR. STERN:	11:45:43
3	Q Mr. White?	11:45:43
4	A Would you ask --	11:45:46
5	MR. MARCUS: So what does this have to do	11:45:48
6	with the employment agreement and the claims that	11:45:49
7	are pending in the Court?	11:45:53
8	MR. STERN: You'll see in a moment when I	11:45:54
9	get to my next exhibit.	11:45:56
10	BY MR. STERN:	11:45:57
11	Q Mr. White, how many were the total number	11:45:58
12	of checks that you sent to Mr. DiPaula? You said	11:46:00
13	there was a series of checks.	11:46:03
14	MR. JORDAN: Same objection.	11:46:05
15	A I do not remember.	11:46:08
16	BY MR. STERN:	11:46:12
17	Q Was it more than these two?	11:46:12
18	A I'm not saying these two were payments	11:46:16
19	that I made to Mr. DiPaula. I don't know.	11:46:19
20	They're your exhibits. I make no representations	11:46:22
21	about them. I do not remember --	11:46:24
22	Q So --	11:46:26

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1	MR. MARCUS: Just let him finish, please.	11:46:26
2	BY MR. STERN:	11:46:28
3	Q These weren't the checks -- I'm sorry, I	11:46:29
4	didn't realize you were still talking.	11:46:31
5	A Okay, go ahead.	11:46:33
6	MR. MARCUS: No, finish your answer.	11:46:34
7	A I do not remember how many checks there	11:46:35
8	were.	11:46:39
9	BY MR. STERN:	11:46:41
10	Q If these are not the checks where would	11:46:41
11	those checks be? Were there other cashier's	11:46:43
12	checks that you sent to Mr. DiPaula?	11:46:48
13	MR. JORDAN: Same objection as previous.	11:46:52
14	A I do not know. The last I saw them they	11:46:55
15	were in the office that they locked me out of on	11:46:58
16	May 1, 2019.	11:47:02
17	MR. STERN: I'd like to go to the next	11:47:12
18	exhibit which is a check dated December 1, 2015.	11:47:13
19	(D. White Deposition Exhibit 21 was marked	11:47:13
20	for identification and attached to the	11:47:13
21	transcript.)	11:47:13
22		

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1	BY MR. STERN:	11:47:13
2	Q It's a Compass Marketing check dated	11:47:32
3	December 1, 2015 paid to the order of Daniel J.	11:47:36
4	White for \$65,000, do you see that?	11:47:40
5	A I see your exhibit, sir.	11:47:42
6	Q Whose signature is on that check?	11:47:45
7	A I do not know.	11:47:47
8	Q You don't recognize that signature?	11:47:49
9	A I don't know anything about that exhibit,	11:47:52
10	sir. That's your exhibit. I make no	11:47:54
11	representations.	11:47:57
12	Q I asked do you recognize the signature on	11:47:58
13	that check?	11:48:00
14	A I do not know whose signature that is.	11:48:01
15	Q Who had authority to sign checks for	11:48:04
16	Compass Marketing in December of 2015?	11:48:08
17	A I do not know.	11:48:10
18	Q What does the memo on that check say?	11:48:14
19	MR. JORDAN: Objection to the relevance of	11:48:17
20	this.	11:48:19
21	BY MR. STERN:	11:48:21
22	Q Mr. White?	11:48:22

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1	MR. MARCUS: The document speaks for	11:48:24
2	itself.	11:48:25
3	BY MR. STERN:	11:48:26
4	Q Would you please read what the memo says,	11:48:26
5	Mr. White?	11:48:28
6	A The memo says "Final payments to James	11:48:33
7	DiPaula and Patrick Miller."	11:48:36
8	Q So why would Compass Marketing issue a	11:48:38
9	check to you with final payments to James DiPaula	11:48:41
10	and Patrick Miller?	11:48:47
11	MR. JORDAN: Objection to relevance.	11:48:48
12	A I don't -- I don't agree to anything about	11:48:52
13	your exhibit. I don't make any representations	11:48:57
14	about your exhibit.	11:49:00
15	BY MR. STERN:	11:49:03
16	Q Mr. White, you mentioned a while -- just a	11:49:03
17	few minutes ago that you had an agreement with	11:49:06
18	Mr. DiPaula.	11:49:09
19	Do you remember that testimony?	11:49:10
20	A I made an agreement on behalf of our	11:49:12
21	company with Mr. DiPaula and Mr. Miller, that's	11:49:14
22	correct.	11:49:18

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1	Q And that payment to Mr. -- and that	11:49:18
2	agreement with Mr. DiPaula and Mr. Miller was on	11:49:21
3	behalf of the company?	11:49:28
4	MR. MARCUS: Objection.	11:49:30
5	MR. JORDAN: Objection to relevance.	11:49:32
6	MR. MARCUS: And you told us that you're	11:49:35
7	going to get to why any of these questions is	11:49:36
8	related to this case and we're still not there.	11:49:38
9	You're going to need to tell us what it is that	11:49:44
10	this relates to in this litigation.	11:49:47
11	BY MR. STERN:	11:49:50
12	Q Mr. White, did you make that agreement	11:49:50
13	with Mr. DiPaula and Mr. Miller on behalf of	11:49:53
14	Compass Marketing?	11:49:56
15	MR. JORDAN: Objection, asked and	11:49:58
16	answered.	11:50:03
17	A Yes, I made it on behalf of our company.	11:50:03
18	BY MR. STERN:	11:50:07
19	Q And that agreement was for payments for	11:50:08
20	what?	11:50:10
21	MR. JORDAN: Objection, relevance and	11:50:11
22	asked and answered.	11:50:13

1	A I don't have a perfect recollection,	11:50:19
2	Mr. Stern, but I believe it was for outstanding	11:50:21
3	expense reports and whatever agreement that John	11:50:25
4	had made to pay them. I don't know all the	11:50:29
5	detail.	11:50:31
6	BY MR. STERN:	11:50:32
7	Q Now, this check is made to you for	11:50:33
8	\$65,000, correct?	11:50:36
9	A That's what you say it is.	11:50:37
10	Q Is that what the check says?	11:50:39
11	MR. JORDAN: Objection. The document	11:50:42
12	speaks for itself and it's not relevant to this	11:50:43
13	lawsuit.	11:50:45
14	BY MR. STERN:	11:50:47
15	Q Is that what the check says?	11:50:47
16	MR. JORDAN: Lack of foundation. Same as	11:50:49
17	the prior objection.	11:50:53
18	BY MR. STERN:	11:50:54
19	Q Mr. White?	11:50:55
20	A I don't have any representations to make	11:50:55
21	about your exhibits, sir.	11:50:57
22	Q Can you scroll down a little bit please to	11:50:59

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1	show the signature on the back of that check?	11:51:01
2	Is that your signature?	11:51:04
3	A I do not know.	11:51:06
4	Q You don't know if that's your signature?	11:51:07
5	A I do not know.	11:51:09
6	Q Do you recall cashing this check?	11:51:11
7	MR. JORDAN: Same objections as previous,	11:51:14
8	all three of them.	11:51:17
9	A I do not recall from 2015.	11:51:18
10	BY MR. STERN:	11:51:22
11	Q Do you recall how you got the money to	11:51:23
12	issue the cashier's checks to Mr. DiPaula?	11:51:24
13	A I do not recall.	11:51:28
14	Q Now, this check is for \$65,000, correct?	11:51:29
15	A That's what you say it is, sir. I make no	11:51:33
16	representations about your exhibit.	11:51:35
17	Q Am I mischaracterizing the document?	11:51:37
18	A I don't know. I don't know. It's your	11:51:41
19	exhibit. I don't know about it.	11:51:43
20	Q Now, let's go back to that e-mail on	11:51:46
21	Exhibit 19. It says "I/we agreed to 15K each for	11:51:52
22	any/all pay and liability plus 20K to CD."	11:52:00

1	CD referring to Chip DiPaula, correct?	11:52:06
2	A Sir, that's your exhibit. I don't make	11:52:09
3	any representations about it.	11:52:11
4	Q You would agree that \$15,000 twice each,	11:52:12
5	that's \$30,000 plus 20 is \$50,000, correct?	11:52:17
6	A Would I agree that 20 plus 20 plus --	11:52:25
7	excuse me, say that one more time.	11:52:30
8	Q 15 each meaning for Mr. DiPaula and	11:52:32
9	Mr. Miller adds up to \$30,000, correct?	11:52:35
10	MR. JORDAN: Objection to relevance of	11:52:39
11	this.	11:52:40
12	BY MR. STERN:	11:52:41
13	Q Plus \$20,000 to CD meaning Chip DiPaula.	11:52:41
14	15 plus 15 plus 20 is \$50,000, correct?	11:52:46
15	A 15 plus 15 plus 20 is 50, that's correct.	11:52:51
16	Q Now, going back to Exhibit 21 why was the	11:52:54
17	check to you payable for \$65,000?	11:53:01
18	A Sir, I don't have any representations	11:53:06
19	about your exhibits.	11:53:08
20	Q Where did the extra \$15,000 go?	11:53:11
21	A Sir, I don't --	11:53:15
22		

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1 MR. JORDAN: Objection to the relevance of
2 any of this.

3 MR. MARCUS: You have told us repeatedly
4 that you're going to get to something that's
5 related to this case.

6 MR. STERN: I just did. I said that this
7 is -- this is an example where Mr. White has
8 created a fraudulent scheme before. According to
9 his e-mails there was \$50,000 in severance which
10 there's no agreement that he's shown or that's
11 been produced or that Compass has and yet even on
12 these pieces of documents there's extra money
13 flowing to him under some purported severance
14 payments.

15 MR. JORDAN: Stephen, it sure sounds like
16 you're trying to set up some sort of claim against
17 Daniel White which is good for you but that
18 doesn't have anything to do --

19 MR. STERN: It goes to his credibility.
20 It goes to his credibility and it goes to the
21 credibility of the claim in this case.

11:53:16

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11:54:00

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1	MR. JORDAN: No, it has to do with your	11:54:01
2	claim against Daniel White which is outside of the	11:54:03
3	ambit --	11:54:07
4	MR. STERN: You can argue that to the	11:54:08
5	Court.	11:54:08
6	MR. JORDAN: Stephen, can I finish? It's	11:54:08
7	outside the ambit of the deposition. Whether or	11:54:11
8	not Daniel White did or didn't do something, to	11:54:17
9	the extent that it goes to bias I think you need	11:54:19
10	to move on because we've been here since 8:30 your	11:54:22
11	time this morning. It's almost 11:00. We haven't	11:54:28
12	really gotten to any of the matters relating to	11:54:31
13	David Boshea and I think we should.	11:54:34
14	MR. STERN: This goes directly to the	11:54:35
15	issue of David Boshea. You can argue it to the	11:54:36
16	court if you want, definitely.	11:54:39
17	MR. JORDAN: You know what? If you have	11:54:40
18	something showing that Daniel White paid David	11:54:41
19	Boshea then maybe there's some sort of relevance	11:54:45
20	to it. Other than that I don't see it.	11:54:47
21	BY MR. STERN:	11:54:49
22	Q Mr. White, where did the extra \$15,000 go?	11:54:49

1	MR. JORDAN: Objection. Same objections.	11:54:53
2	BY MR. STERN:	11:54:54
3	Q Was that \$15,000 owed to Mr. DiPaula or	11:54:54
4	Mr. Miller?	11:54:58
5	MR. MARCUS: Objection. This is now well	11:55:00
6	beyond what you're permitted to do in terms of bad	11:55:02
7	faith requirements for the kind of examination	11:55:05
8	that you are conducting. It has nothing to do	11:55:09
9	with the claim that's before the court. Nothing.	11:55:12
10	I've repeatedly asked you about it and you have	11:55:15
11	failed to this point to make it relevant.	11:55:18
12	The Court admonished you in its memorandum	11:55:21
13	about going into matters that are extraneous for	11:55:24
14	which you have no explanation to support this kind	11:55:30
15	of an inquiry and it doesn't appear that you're in	11:55:32
16	any way paying attention to what the Court	11:55:37
17	admonished from a nonparty in the course of	11:55:39
18	discovery. I have asked you repeatedly. You have	11:55:43
19	told me that you're going to get to it and you	11:55:46
20	haven't.	11:55:47
21	MR. STERN: This is. I've just laid it	11:55:48
22	out for you. Mr. White claims that there was a	11:55:50

1 severance agreement with Mr. DiPaula and 11:55:53
2 Mr. Miller totaling \$50,000 according to that 11:55:56
3 e-mail even though he disclaims any knowledge of 11:55:58
4 that e-mail. Yet there's a check going to him for 11:56:01
5 \$65,000 for those payments to Mr. Miller and 11:56:04
6 Mr. DiPaula so it goes to credibility and it shows 11:56:08
7 an example where Mr. White has concocted false 11:56:11
8 severance plans with employees just as Compass 11:56:16
9 Marketing contends that this is a false severance 11:56:20
10 plan with Mr. Boshea at the behest or initiative 11:56:22
11 of Mr. White and his brother, Michael White. 11:56:25

12 MR. JORDAN: Well, the problem with this 11:56:29
13 line is the fact that it all kind of falls apart 11:56:31
14 unless you're going to say that he paid David 11:56:32
15 Boshea. 11:56:35

16 MR. STERN: No, it goes to his credibility 11:56:37
17 for making up false allegations in this case. You 11:56:39
18 can argue it to the Court if you want, Greg. 11:56:42

19 MR. MARCUS: Mr. White is not a party in 11:56:45
20 this case. He has made no allegations in this 11:56:47
21 case. He is not a party so to the extent that 11:56:51
22 your whole theory is that somehow or another you 11:56:55

1 can figure out a way to try to go to something 11:56:57
2 that's completely extraneous, that does not permit 11:57:00
3 you to engage in this kind of discovery. 11:57:03

4 MR. STERN: Now, you're saying that 11:57:06
5 Mr. White is not a party to this case. 11:57:07

6 BY MR. STERN: 11:57:07

7 Q Mr. White, did you purport to talk and 11:57:09
8 speak on behalf of Compass Marketing? 11:57:12

9 MR. MARCUS: In this case? 11:57:14

10 MR. JORDAN: Objection to the relevance. 11:57:16
11 Even if he was purporting to talk for Compass 11:57:19
12 Marketing, he's not being presented as a Compass 11:57:25
13 Marketing witness today. He's a third-party 11:57:27
14 witness with facts relating to David Boshea and 11:57:31
15 his severance agreement and maybe with regard to 11:57:35
16 that cockamamie claim for the Realtor and the 11:57:39
17 architect but I don't believe that he's being 11:57:43
18 presented as a representative of Compass Marketing 11:57:48
19 today. Certainly that's not my understanding. 11:57:50

20 MR. STERN: I'm asking if he understands 11:57:52
21 he speaks on behalf of Compass Marketing. 11:57:52
22

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1	BY MR. STERN:	11:57:55
2	Q Do you, Mr. White, speak on behalf of	11:57:55
3	Compass Marketing?	11:57:57
4	MR. JORDAN: Even if he does, this line of	11:57:58
5	questioning doesn't have anything to do the way	11:58:00
6	I'm understanding it with Compass Marketing	11:58:03
7	authorizing anything. You seem to be taking the	11:58:06
8	exact opposite position.	11:58:08
9	BY MR. STERN:	11:58:10
10	Q Mr. White, do you contend that you can	11:58:10
11	speak on behalf of Compass Marketing?	11:58:12
12	MR. MARCUS: Objection. He makes no	11:58:15
13	contentions. He is here to answer questions about	11:58:17
14	facts.	11:58:21
15	BY MR. STERN:	11:58:22
16	Q Mr. White, please answer the question.	11:58:23
17	A I do not know the answer to your question,	11:58:24
18	Mr. Stern.	11:58:26
19	Q You don't know whether or not you believe	11:58:27
20	you can speak on behalf of Compass Marketing?	11:58:29
21	MR. MARCUS: Objection, calls for a legal	11:58:34
22	conclusion.	11:58:36

1	A I don't know the answer to that question.	11:58:37
2	BY MR. STERN:	11:58:40
3	Q Do you consider yourself an owner of	11:58:40
4	Compass Marketing?	11:58:44
5	MR. MARCUS: Objection to the form of the	11:58:44
6	question.	11:58:45
7	MR. JORDAN: Objection to the relevance of	11:58:46
8	whether he's an owner or not as to his speaking on	11:58:47
9	behalf of Compass Marketing. Being a shareholder	11:58:51
10	doesn't give you a right to do that.	11:58:56
11	A I do believe I'm a shareholder of Compass	11:58:58
12	Marketing, yes, sir.	11:59:02
13	BY MR. STERN:	11:59:02
14	Q And do you think as a shareholder of	11:59:02
15	Compass Marketing it's appropriate for you to be	11:59:05
16	communicating with an adverse party that's suing	11:59:08
17	Compass Marketing about the lawsuit that adverse	11:59:12
18	party is bringing?	11:59:15
19	MR. JORDAN: Objection to relevance.	11:59:15
20	Objection to relevance.	11:59:19
21	MR. STERN: We are now --	11:59:17
22		

1	MR. JORDAN: Because even if he considers	11:59:18
2	himself an owner, there's no fiduciary obligation	11:59:23
3	owed by a shareholder to a corporation. It's	11:59:27
4	irrelevant.	11:59:30
5	BY MR. STERN:	11:59:31
6	Q Mr. White?	11:59:32
7	A Say your question again please, Mr. Stern.	11:59:32
8	Q As an owner of Compass Marketing do you	11:59:34
9	believe it's appropriate for you to be	11:59:37
10	communicating with a party that's suing Compass	11:59:40
11	Marketing when those communications relate to the	11:59:43
12	lawsuit?	11:59:46
13	MR. JORDAN: Same objection.	11:59:47
14	MR. MARCUS: Objection, calls for	11:59:48
15	speculation, calls for a legal conclusion and	11:59:50
16	lacks facts to support that question.	11:59:53
17	Under your theory, Mr. Stern, you are here	11:59:56
18	at his request and you have not been hired by him.	11:59:58
19	You have not been hired by his brother Michael and	12:00:03
20	to the extent that you have been engaged by a 50	12:00:07
21	percent owner in this case, you are not in a	12:00:10
22	position to question whether or not he's got the	12:00:13

1 authority. Obviously under your theory you have 12:00:15

2 the authority. 12:00:19

3 BY MR. STERN: 12:00:22

4 Q Mr. White, do you believe it's appropriate 12:00:22

5 for you as an owner of Compass Marketing to be in 12:00:26

6 discussions with Mr. Boshea about the lawsuit that 12:00:31

7 Mr. Boshea is bringing against Compass Marketing? 12:00:33

8 MR. JORDAN: Objection to the relevance of 12:00:40

9 the question. 12:00:41

10 MR. MARCUS: Answer again. 12:00:41

11 A I don't know the answer to your question. 12:00:42

12 BY MR. STERN: 12:00:44

13 Q You don't know whether it's appropriate? 12:00:45

14 MR. MARCUS: That's exactly what he said. 12:00:47

15 If you ask him again he's going to give you the 12:00:50

16 same answer. 12:00:52

17 BY MR. STERN: 12:00:54

18 Q Do you think it would be appropriate for 12:00:55

19 Michael White as an owner of Compass Marketing to 12:00:56

20 be discussing litigation with a party that's suing 12:01:01

21 Compass Marketing? 12:01:06

22

1	MR. JORDAN: Objection to relevance.	12:01:06
2	MR. MARCUS: Objection as to his opinion	12:01:08
3	as to what Michael White would do or not do.	12:01:09
4	What does that got to do with this case?	12:01:12
5	BY MR. STERN:	12:01:15
6	Q Mr. White, please answer.	12:01:16
7	MR. MARCUS: What does it have to do with	12:01:20
8	this case?	12:01:22
9	BY MR. STERN:	12:01:23
10	Q Mr. White, please answer.	12:01:23
11	A I do not know the answer to your question.	12:01:24
12	Q Has Compass Marketing been involved in	12:01:30
13	other litigation since you've been an -- civil	12:01:32
14	litigation since you've been an owner of the	12:01:36
15	company?	12:01:38
16	MR. JORDAN: Objection to relevance.	12:01:40
17	A Yes.	12:01:47
18	BY MR. STERN:	12:01:50
19	Q Have you communicated with the litigants	12:01:50
20	or those counsel in those lawsuits against Compass	12:01:52
21	Marketing?	12:02:03
22	A I don't remember.	12:02:03

1	Q How many -- I'm sorry.	12:02:03
2	A They were 15 years ago, the oldest ones.	12:02:10
3	Q The only lawsuit you can think of was 15	12:02:12
4	years ago?	12:02:17
5	A Not the only lawsuit. Just one of them.	12:02:18
6	Q Which lawsuit are you referring to?	12:02:22
7	A Compass Marketing versus Sharing Plow and	12:02:23
8	Whythe I believe.	12:02:29
9	Q In that lawsuit did you speak with the	12:02:29
10	adverse parties and their counsel?	12:02:33
11	A I did speak with their counsel.	12:02:35
12	Q Outside of a deposition?	12:02:37
13	A Well, I was represented -- I mean Compass	12:02:40
14	had an attorney and I was present if that's --	12:02:44
15	Q Did you have direct communications outside	12:02:46
16	the presence of your counsel?	12:02:49
17	A No.	12:02:50
18	MR. JORDAN: Objection. I'm not even sure	12:02:52
19	what you mean, your counsel. It's confusing.	12:02:54
20	A I don't recall outside of our counsel or	12:02:56
21	outside of our counsel's presence.	12:03:00
22		

1	BY MR. STERN:	12:03:04
2	Q What other lawsuits have there been	12:03:04
3	against Compass Marketing by litigants in your	12:03:05
4	time as an owner?	12:03:06
5	MR. JORDAN: Objection to the relevance of	12:03:08
6	that.	12:03:11
7	A I don't know them all.	12:03:12
8	BY MR. STERN:	12:03:15
9	Q How many lawsuits are there?	12:03:15
10	A I don't know.	12:03:17
11	MR. JORDAN: Objection. He just answered	12:03:23
12	that question. Asked and answered.	12:03:24
13	BY MR. STERN:	12:03:25
14	Q As a lawyer do you think it is wise to	12:03:26
15	speak directly with a party that's suing your	12:03:28
16	company?	12:03:30
17	MR. JORDAN: Objection, calls for an	12:03:32
18	opinion. He's not qualified as an opinion	12:03:34
19	witness.	12:03:38
20	MR. MARCUS: He's not here to testify as a	12:03:38
21	lawyer. He's not here to testify on his opinion.	12:03:40
22	Ask another question.	12:03:43

1	BY MR. STERN:	12:03:44
2	Q Mr. White, please answer the question.	12:03:45
3	MR. MARCUS: Ask another question.	12:03:46
4	BY MR. STERN:	12:03:47
5	Q Mr. White, please answer the question.	12:03:48
6	MR. MARCUS: Okay, we are certifying now	12:03:50
7	based on your continued abuse of this deposition	12:03:53
8	for matters that are extraneous under Rule	12:03:57
9	30(b)(3) sub A to suspend the deposition until	12:04:00
10	such time as a Court will admonish you on	12:04:05
11	questions that are well beyond the scope of	12:04:07
12	discovery, okay? We will --	12:04:10
13	MR. STERN: I want to make sure I'm	12:04:13
14	understanding it correctly.	12:04:15
15	You don't think it's appropriate to ask	12:04:16
16	your client questions about his extensive	12:04:17
17	communications with the adverse party in this case	12:04:20
18	and his counsel in connection with its litigation?	12:04:22
19	You don't think --	12:04:26
20	MR. JORDAN: Stephen, Stephen, you didn't	12:04:27
21	ask him -- you didn't ask him that question.	12:04:28
22		

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1	MR. STERN: I did. I asked him	12:04:30
2	(inaudible) --	12:04:33
3	MR. JORDAN: You asked him about other	12:04:33
4	cases --	12:04:33
5	MR. MARCUS: Of course he didn't ask the	12:04:33
6	question. Of course he didn't ask the question so	12:04:35
7	here is where we are --	12:04:41
8	MR. JORDAN: You know what? It's 12:30 in	12:04:43
9	any event so I think this is a time -- before we	12:04:44
10	get into any kind of contretemps do you have	12:04:49
11	additional time, Mr. White, to sit today or do you	12:04:53
12	have to leave?	12:04:55
13	MR. MARCUS: It was not Mr. White's -- it	12:04:58
14	was not Mr. White's schedule. It was our	12:05:00
15	schedule. We accommodated them.	12:05:01
16	MR. JORDAN: I'm sorry.	12:05:03
17	MR. MARCUS: This was done at our request	12:05:04
18	because we did not have time. We carved out time	12:05:06
19	in order to do it and the Court incorporated the	12:05:09
20	availability of counsel for this deposition.	12:05:13
21	BY MR. STERN:	12:05:17
22	Q Mr. White, do you have account access --	12:05:18

1	do you have access to Compass Marketing, Inc.'s	12:05:24
2	e-mails?	12:05:27
3	A I do not think so.	12:05:34
4	Q What do you mean you don't think so? It's	12:05:36
5	either yes or no. Either you can access the	12:05:39
6	e-mails or you can't.	12:05:43
7	A I do not think so.	12:05:44
8	Q What does that mean, I don't think so?	12:05:46
9	A It means I do not think that I have access	12:05:48
10	to Compass Marketing, Inc.'s e-mails.	12:05:51
11	Q When was the last time you attempted to	12:05:55
12	access Compass Marketing e-mails?	12:05:57
13	MR. JORDAN: Objection to relevance.	12:05:59
14	MR. MARCUS: All right, you're going to	12:06:02
15	have to tell us what this has to do with this	12:06:03
16	case, sir.	12:06:06
17	BY MR. STERN:	12:06:07
18	Q Mr. White?	12:06:08
19	MR. MARCUS: Mr. Stern, I'm going to ask	12:06:09
20	you again. What does --	12:06:11
21	MR. STERN: Did you look at the documents	12:06:12
22	that you produced, Mr. Berman -- Mr. Marcus, I'm	12:06:13

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1	sorry?	12:06:18
2	MR. MARCUS: I beg your pardon, sir?	12:06:18
3	MR. STERN: Did you look at the documents	12:06:19
4	you produced?	12:06:20
5	MR. MARCUS: Yes.	12:06:21
6	MR. STERN: All right, thank you.	12:06:22
7	BY MR. STERN:	12:06:24
8	Q Mr. White, when was the last time you	12:06:24
9	attempted to access e-mails from Compass	12:06:27
10	Marketing?	12:06:30
11	MR. BOSHEA: Stop badgering.	12:06:30
12	MR. JORDAN: David, turn off your	12:06:32
13	microphone and please be quiet.	12:06:34
14	MR. MARCUS: Mr. Stern --	12:06:34
15	MR. JORDAN: David, turn off your	12:06:38
16	microphone. I don't want to hear your voice	12:06:39
17	again.	12:06:42
18	MR. MARCUS: Mr. Stern, you have yet to	12:06:43
19	answer my question. I assume that the reason is	12:06:45
20	that you do not have an answer.	12:06:48
21	MR. STERN: I don't have to answer your	12:06:51
22	questions.	12:06:53

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1	BY MR. STERN:	12:06:53
2	Q Mr. White, when was the last time you	12:06:53
3	attempted to access e-mails from Compass	12:06:56
4	Marketing?	12:06:58
5	MR. JORDAN: Objection to the relevance of	12:06:58
6	the question.	12:07:01
7	MR. MARCUS: We will include this whole	12:07:02
8	refusal to answer questions about the relevant	12:07:04
9	questions pertaining to the Complaint in our	12:07:07
10	request for a protective order, and we'll also	12:07:10
11	reflect the fact that you have refused to identify	12:07:14
12	any basis for any legitimate pursuit of discovery.	12:07:18
13	MR. STERN: He produced a thousand pages	12:07:24
14	of e-mails to and from Mr. Boshea and Mr. Jordan.	12:07:26
15	He also produced e-mails that clearly show that	12:07:32
16	he's been accessing or been asked to access	12:07:35
17	Compass Marketing e-mails.	12:07:38
18	BY MR. STERN:	12:07:38
19	Q So Mr. White, I'm going to ask you again.	12:07:40
20	When was the last time that you attempted to	12:07:42
21	access Compass Marketing e-mails?	12:07:45
22		

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1	MR. JORDAN: I object to that. I object	12:07:48
2	to the characterization that anyone requested that	12:07:50
3	he access Compass Marketing e-mails or that this	12:07:53
4	is relevant to the issues in the case. Asking	12:07:57
5	Mr. White for documents in his possession is not	12:08:02
6	asking him to access Compass e-mails.	12:08:07
7	MR. MARCUS: And more than that it doesn't	12:08:10
8	have anything to do with this Complaint.	12:08:12
9	BY MR. STERN:	12:08:14
10	Q Mr. White, are you going to answer the	12:08:15
11	question?	12:08:16
12	A Mr. Stern, I have some of my e-mails	12:08:27
13	copied in my possession.	12:08:30
14	Are you talking about those e-mails, my	12:08:32
15	e-mails?	12:08:34
16	Q I'm talking about accessing your Compass	12:08:35
17	Marketing, Inc. e-mail address.	12:08:38
18	MR. MARCUS: All right, we are moving at	12:08:41
19	this point to terminate or limit this deposition.	12:08:43
20	I have been very patient. I have done everything	12:08:46
21	I know how to do in order to get you to focus on	12:08:49
22	this discovery without success. You have	12:08:51

1 repeatedly refused to identify anything that is 12:08:54
2 relevant and pertaining to the Complaint in this 12:08:58
3 case so we will include this under our motion, 12:09:01
4 Rule 30 (b) (3) (a) as a request to have this matter 12:09:06
5 taken up before the Court on a request for a 12:09:11
6 protective order. 12:09:15

7 MR. STERN: Are you ending the deposition? 12:09:18

8 MR. MARCUS: I have asked you to ask 12:09:21
9 questions about the case for the last three -- 12:09:23
10 almost three hours and change. You have decided 12:09:26
11 that you are not interested in the subject matter 12:09:30
12 of the case. That was your choice. The fact of 12:09:33
13 the matter is that you have spent three hours in 12:09:37
14 attempting to get into everything other than the 12:09:41
15 claims that have been made by the plaintiff in 12:09:44
16 answer -- in the answer that you filed relevant to 12:09:49
17 this case. 12:09:52

18 MR. STERN: I'd like to go to a new 12:09:53
19 exhibit, DJW 000877. 12:09:55

20 MS. YEUNG: 77? 12:09:55

21 MR. STERN: Yeah, it's an e-mail dated 12:10:12
22 June 7, 2021 at 4:24 p.m. is the most recent one 12:10:13

1	and the first one in that string is at 3:30 p.m.	12:10:17
2	(D. White Deposition Exhibit 22 was marked	12:10:22
3	for identification and attached to the	12:10:22
4	transcript.)	12:10:23
5	BY MR. STERN:	12:10:23
6	Q Mr. White, do you see this e-mail?	12:10:23
7	MR. MARCUS: Hopefully it will show up	12:10:27
8	here soon. There we go.	12:10:29
9	BY MR. STERN:	12:10:44
10	Q You see the original e-mail in this thread	12:10:44
11	is from Mr. Boshea to you on June 7, 2021 at	12:10:46
12	3:30 p.m., do you see that?	12:10:51
13	A Give me a second.	12:10:52
14	(Pause in the proceedings.)	12:10:52
15	I see that. I see the e-mail.	12:11:10
16	Q It starts off "Hi Dan, We need some help."	12:11:13
17	Why was Mr. Boshea asking you for help?	12:11:16
18	MR. MARCUS: Objection to the form.	12:11:20
19	MR. JORDAN: Objection, calls for	12:11:22
20	speculation.	12:11:24
21	A I do not know.	12:11:24
22		

1	BY MR. STERN:	12:11:25
2	Q Did you agree to offer help to Mr. Boshea?	12:11:25
3	A When Mr. Jordan asked me for things I	12:11:36
4	tried to help. Does that answer your question?	12:11:38
5	Q So what things did you try to help him	12:11:41
6	with besides the expert witness and the local	12:11:43
7	counsel?	12:11:50
8	A I also sent him the e-mail from 2007 and I	12:11:51
9	don't remember other specific things.	12:11:54
10	Q This is a request from Mr. Boshea. It	12:11:56
11	says "Can you supply info on Wyoming and FL" --	12:11:59
12	I'm assuming that means Florida -- "companies?"	12:12:03
13	MR. JORDAN: Objection to relevance to the	12:12:07
14	lawsuit.	12:12:09
15	MR. MARCUS: Well, let him ask the	12:12:09
16	question before you object.	12:12:11
17	MR. JORDAN: I'm sorry, I thought you were	12:12:13
18	finished.	12:12:15
19	BY MR. STERN:	12:12:15
20	Q "Date formed, business ID, money balances	12:12:17
21	and transfer info."	12:12:21
22	Why was Mr. Boshea asking about that?	12:12:22

1	MR. JORDAN: Same objection.	12:12:24
2	MR. MARCUS: Objection as to why	12:12:25
3	Mr. Boshea was asking about it.	12:12:26
4	A I do not know.	12:12:27
5	BY MR. STERN:	12:12:28
6	Q Did you provide the information he	12:12:29
7	requested?	12:12:30
8	MR. JORDAN: Objection to relevance.	12:12:32
9	A I do not remember doing so.	12:12:34
10	BY MR. STERN:	12:12:37
11	Q Next line. "Greg is garnishing things and	12:12:37
12	freezing things." The next paragraph. "Also, can	12:12:42
13	you provide cases Bernie has paid on and nature of	12:12:44
14	suit like that girl Bernie sent pic to?"	12:12:49
15	Who is Bernie?	12:12:54
16	MR. JORDAN: Objection to relevance.	12:12:54
17	A I read that sentence. Is there a question	12:12:56
18	I missed?	12:12:58
19	BY MR. STERN:	12:12:58
20	Q Who is Bernie in that sentence?	12:12:58
21	A I assume he's referring to John.	12:13:03
22	Q John meaning John White?	12:13:06

1	A That's correct.	12:13:08
2	Q Did you send the information that he	12:13:10
3	requested about this prior case and the nature of	12:13:11
4	the suit about some picture?	12:13:17
5	MR. JORDAN: Objection, relevance.	12:13:21
6	A I do not remember doing so.	12:13:24
7	BY MR. STERN:	12:13:26
8	Q Did you have any discussions with	12:13:26
9	Mr. Boshea about this supposed prior lawsuit?	12:13:28
10	MR. JORDAN: Same objection.	12:13:34
11	MR. MARCUS: Objection.	12:13:35
12	A I do not remember.	12:13:36
13	BY MR. STERN:	12:13:41
14	Q Next line. "If George can find those	12:13:41
15	e-mails Bernie sent to me that would be great."	12:13:44
16	Who is George?	12:13:47
17	A I do not know but I assume that to be	12:13:50
18	George White.	12:13:52
19	Q Who is George White?	12:13:53
20	A That's my nephew and Mike's son.	12:13:55
21	Q Did you tell Mr. Boshea that George White	12:13:59
22	can access Compass Marketing e-mails?	12:14:02

1	A No.	12:14:06
2	Q Do you have any reason to believe -- did	12:14:07
3	you have any understanding as to why Mr. Boshea	12:14:10
4	believed that George White could access e-mails?	12:14:13
5	MR. JORDAN: Objection. It calls for a	12:14:16
6	fact not in evidence. That's pure speculation on	12:14:17
7	your part.	12:14:20
8	A I do not know.	12:14:25
9	BY MR. STERN:	12:14:26
10	Q Do you know whether or not George White	12:14:26
11	can access any Compass Marketing e-mails?	12:14:28
12	MR. JORDAN: Objection, relevance.	12:14:31
13	A I do not know.	12:14:34
14	BY MR. STERN:	12:14:36
15	Q Did you authorize George White to access	12:14:36
16	any Compass Marketing e-mails?	12:14:39
17	MR. JORDAN: Objection to relevance.	12:14:41
18	A I don't ever remember doing that.	12:14:45
19	BY MR. STERN:	12:14:50
20	Q Did you offer George White your account	12:14:50
21	access information to get access to e-mails?	12:14:52
22		

1	MR. JORDAN: Objection to relevance.	12:14:55
2	A In my life?	12:14:59
3	MR. STERN: Since the filing of this	12:15:03
4	lawsuit.	12:15:04
5	MR. MARCUS: Mr. Stern, I just want to	12:15:05
6	remind you that this deposition is almost over and	12:15:07
7	you have failed to identify anything that's	12:15:10
8	relevant to the Complaint. To the extent that you	12:15:14
9	have wasted the entirety of this deposition on	12:15:17
10	matters that are extraneous, we're not going to be	12:15:19
11	coming back.	12:15:22
12	BY MR. STERN:	12:15:24
13	Q Mr. White, since the filing of this	12:15:25
14	lawsuit did you offer Mr. White, Mr. George White	12:15:27
15	any account access information to get Compass	12:15:32
16	Marketing e-mails?	12:15:35
17	MR. JORDAN: Objection to relevance.	12:15:36
18	A Since this lawsuit I don't remember ever	12:15:39
19	speaking with George White about this lawsuit or	12:15:43
20	talking to him about accessing e-mails or giving	12:15:46
21	him access or anything else. George White has	12:15:51
22	nothing to do with this lawsuit and you know it.	12:15:53

1	BY MR. STERN:	12:15:56
2	Q Did you have any conversation with	12:15:56
3	Mr. Boshea about George White in connection with	12:15:58
4	this lawsuit?	12:16:00
5	A No, sir.	12:16:02
6	Q Did you have any e-mails with Mr. Boshea	12:16:03
7	about George White in accessing e-mails in	12:16:06
8	connection with this lawsuit?	12:16:11
9	A I have one like this that you have up on	12:16:12
10	the screen where he asked me apparently to have	12:16:15
11	George see if he could find them. He may have	12:16:17
12	sent that request more than once. He may have	12:16:20
13	text it. I don't know. I didn't reply to it.	12:16:24
14	George has nothing to do with this lawsuit and you	12:16:27
15	know it.	12:16:30
16	Q Why did you then forward this e-mail to	12:16:30
17	Michael White?	12:16:32
18	A I don't know. I generally kept him in the	12:16:33
19	loop I think. You and your friend there,	12:16:38
20	Mr. Bateman have been trying to get George in	12:16:48
21	trouble for a long time and you know it's wrong.	12:16:51
22	Q The e-mail ends "Any other info you think	12:16:57

1	Greg can use to put Stern/Bernie down to settle."	12:17:00
2	Did you offer to help Mr. Boshea to	12:17:04
3	provide information to encourage a settlement with	12:17:08
4	Compass Marketing?	12:17:11
5	MR. MARCUS: Objection.	12:17:13
6	A I think when Mr. Jordan asked me for	12:17:16
7	things I tried to help him. I don't remember	12:17:18
8	specifically getting requests from David and	12:17:20
9	helping David directly. I don't remember that.	12:17:26
10	BY MR. STERN:	12:17:30
11	Q Was he asking for any information here	12:17:30
12	unrelated to his employment agreement?	12:17:33
13	A I'm not sure what he's asking for exactly.	12:17:38
14	Q Does anything with this Wyoming or Florida	12:17:41
15	company relate to his employment agreement as far	12:17:47
16	as you know?	12:17:49
17	A Well, that's kind of a wide open question	12:17:50
18	but I'm not sure exactly.	12:17:55
19	Q Why aren't you sure?	12:17:57
20	A I don't know enough about the lawsuit,	12:18:04
21	what's connected and what's not, sir.	12:18:07
22	Q Haven't you been getting e-mails and	12:18:09

1 regular updates from Mr. Jordan and Mr. Boshea

12:18:12

2 throughout this lawsuit?

12:18:15

3 MR. MARCUS: Objection to the form of the
4 question. Answer please.

12:18:16

12:18:17

5 A I think you have all of the updates that
6 Mr. Jordan sent me. I think he was sending me
7 things that got filed because I'm not on the Pacer
8 e-mail list.

12:18:18

12:18:20

12:18:23

12:18:28

9 BY MR. STERN:

12:18:30

10 Q So you know what's going on in this
11 lawsuit, correct?

12:18:30

12:18:33

12 MR. MARCUS: Objection.

12:18:34

13 MR. JORDAN: Objection, vague.

12:18:35

14 A No, sir, I don't.

12:18:36

15 BY MR. STERN:

12:18:39

16 Q You have no idea what's going on in this
17 lawsuit or what the legal issues are?

12:18:39

12:18:42

18 MR. MARCUS: Objection.

12:18:44

19 MR. JORDAN: Objection, misstates his
20 previous answer.

12:18:45

12:18:47

21 A There's a difference between knowing
22 what's going on and having no idea. I don't know

12:18:48

12:18:50

1	what's going on in the lawsuit, sir. It doesn't	12:18:53
2	mean I have no idea. It just means I don't know	12:18:56
3	the things going on. I'm not --	12:18:59
4	BY MR. STERN:	12:18:59
5	Q What's the difference?	12:18:59
6	MR. MARCUS: Objection.	12:19:01
7	MR. JORDAN: What's the relevance of this?	12:19:05
8	MR. MARCUS: It's just a waste of time.	12:19:08
9	A I know the public documents. I don't know	12:19:09
10	all the discussions with you and Mr. Jordan and	12:19:12
11	the settlement and all of that stuff. That	12:19:14
12	doesn't concern me.	12:19:18
13	BY MR. STERN:	12:19:20
14	Q Well, this is now the second communication	12:19:20
15	that you received from Mr. Boshea about settlement	12:19:21
16	discussions in this case.	12:19:24
17	Why is that -- why are you being asked	12:19:26
18	about information related to settlement in this	12:19:29
19	lawsuit then?	12:19:33
20	MR. JORDAN: Objection. That misstates	12:19:34
21	the document.	12:19:36
22	A I don't know, sir.	12:19:43

Transcript of Daniel J. White
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1	MR. STERN: I'm going to show you an	12:19:54
2	exhibit now, DJW 000285. It's an e-mail dated	12:19:55
3	January 14, 2021 at 11:08 a.m.	12:20:09
4	(D. White Deposition Exhibit 23 was marked	12:20:09
5	for identification and retained by counsel.)	12:20:20
6	BY MR. STERN:	12:20:20
7	Q Do you see this e-mail from you to	12:20:20
8	Mr. Jordan?	12:20:22
9	MR. MARCUS: We're trying to get it. It	12:20:24
10	will show up here soon. There we go.	12:20:26
11	BY MR. STERN:	12:20:43
12	Q Do you remember sending this e-mail to	12:20:43
13	Mr. Jordan?	12:20:45
14	MR. MARCUS: This is a six page e-mail.	12:20:47
15	We're trying to figure out what it is, sir.	12:20:49
16	MR. STERN: It's a half a page e-mail.	12:20:51
17	MR. MARCUS: Well, then maybe you better	12:20:54
18	figure out what half page we're supposed to be	12:20:55
19	looking at because this has got six pages in it.	12:20:58
20	MR. STERN: The e-mail is about half a	12:21:02
21	page. There's an attachment to it.	12:21:05
22	MR. MARCUS: Okay.	12:21:05

1	BY MR. STERN:	12:21:05
2	Q Do you remember sending this e-mail to	12:21:10
3	Mr. Jordan?	12:21:11
4	A I'm still reviewing it, sir.	12:21:13
5	(Pause in the proceedings.)	12:22:05
6	Q Are you finished reading the e-mail?	12:22:06
7	A Almost. Okay, I've read the e-mail.	12:22:08
8	Q Why did you send this e-mail with the	12:22:14
9	attached letter to the SEC to Mr. Jordan?	12:22:16
10	MR. MARCUS: Okay, we're not answering	12:22:22
11	that question.	12:22:25
12	MR. JORDAN: Objection to relevance.	12:22:26
13	MR. MARCUS: That has nothing to do with	12:22:27
14	this lawsuit. It has to do with collateral	12:22:28
15	matters.	12:22:31
16	MR. STERN: That's fascinating because	12:22:31
17	your client says it's related to this lawsuit in	12:22:34
18	the e-mail.	12:22:36
19	MR. MARCUS: Okay.	12:22:36
20	MR. STERN: This is an example of the	12:22:38
21	obstruction that you and your client have been	12:22:39
22	undertaking throughout this deposition claiming	12:22:42

1 things are not relevant and he's communicating 12:22:44
2 extensively with Mr. Jordan about this lawsuit. 12:22:46
3 He specifically says in here in this e-mail, and 12:22:49
4 I'll read it to you, "I send it to hopefully give 12:22:52
5 some context, in terms of names and companies and 12:22:55
6 times, to our discussion and your decision making 12:22:58
7 regarding this matter." 12:23:00

8 This matter presumably is this lawsuit 12:23:02
9 because there's nothing else that he's been 12:23:05
10 discussing with Mr. Jordan. 12:23:07

11 MR. JORDAN: Stephen, the witness's belief 12:23:09
12 as to what's relevant to the lawsuit doesn't 12:23:12
13 change the pleadings -- 12:23:15

14 MR. STERN: The letter says "I share this 12:23:15
15 with you because I believe that David Boshea was
16 terminated because he refused to go along" so he
17 brought this in to himself.

18 MR. MARCUS: You keep saying that --

19 BY MR. STERN:

20 Q Mr. White, why did you send this e-mail 12:23:25
21 and letter to Mr. Jordan? 12:23:28
22

1	MR. JORDAN: Objection to relevance. It	12:23:30
2	doesn't relate to any pleading that we have filed	12:23:33
3	in the case other than responses to questions that	12:23:35
4	you had which weren't relevant in your	12:23:39
5	interrogatories.	12:23:41
6	BY MR. STERN:	12:23:41
7	Q Mr. White?	12:23:46
8	A I sent it for context. I sent it to give	12:23:47
9	him some context.	12:23:49
10	Q Context for what?	12:23:51
11	MR. MARCUS: The document speaks for	12:23:54
12	itself.	12:23:55
13	A About --	12:23:56
14	BY MR. STERN:	12:23:59
15	Q How did you think it was going to help	12:23:59
16	Mr. Boshea in his lawsuit representing Mr. -- I'm	12:24:01
17	sorry, how did you think it was going to help	12:24:06
18	Mr. Jordan in connection with his lawsuit	12:24:09
19	representing Mr. Boshea?	12:24:11
20	MR. JORDAN: Objection to relevance to the	12:24:11
21	witness's belief as to what would help Mr. Boshea.	12:24:13
22		

1	MR. MARCUS: And what does this have to do	12:24:18
2	with the claim?	12:24:20
3	BY MR. STERN:	12:24:23
4	Q Mr. White?	12:24:24
5	MR. MARCUS: You again, Mr. Stern,	12:24:25
6	continue to evade the question.	12:24:28
7	BY MR. STERN:	12:24:31
8	Q Mr. White?	12:24:32
9	MR. MARCUS: Okay, add that to our list of	12:24:34
10	issues for the protective order, collateral	12:24:38
11	investigations involving counsel and other	12:24:41
12	parties. This is not a place for that kind of	12:24:44
13	discovery to take place. This is not a place for	12:24:45
14	you to engage in preparing defenses to other	12:24:48
15	actions taken by other tribunals having to do with	12:24:52
16	your conduct and that's what you've used this	12:24:56
17	entire deposition to do.	12:25:00
18	BY MR. STERN:	12:25:02
19	Q Mr. White?	12:25:04
20	A Yes, sir. Can you say the question again?	12:25:05
21	Q Why did you think it was going to be	12:25:07
22	helpful in giving Mr. Jordan context about this	12:25:09

1 lawsuit? 12:25:13

2 A Well, you keep calling it litigation and 12:25:14
3 lawsuit but I think it was a wrongful termination 12:25:18
4 and I thought it would help Mr. Jordan understand 12:25:20
5 why Mr. Boshea was terminated in my opinion. 12:25:23

6 Q Well, when -- so you think it has 12:25:28
7 something to do with his termination. I'm going 12:25:30
8 to go down then to the last paragraph. "I share 12:25:32
9 this with you because I believe that David Boshea 12:25:35
10 was terminated because he refused to go along with 12:25:38
11 a new investment scam initiative. I say that 12:25:41
12 because as soon as he was terminated, a new 12:25:43
13 Tagnetics was created in Wyoming (Smart Retail, 12:25:46
14 LLC)." 12:25:50

15 When was Smart Retail created? 12:25:51

16 MR. JORDAN: Objection to the relevance to 12:25:53
17 the lawsuit. 12:25:55

18 A You created it so -- 12:25:56

19 MR. STERN: It goes to his credibility. 12:25:57
20 Go ahead. 12:25:59

21 MR. MARCUS: His credibility -- 12:26:00
22

1	MR. JORDAN: No, it has no relevance to	12:26:00
2	anything.	12:26:02
3	BY MR. STERN:	12:26:03
4	Q Mr. White, when was Smart Retail created?	12:26:04
5	MR. JORDAN: Objection, relevance.	12:26:08
6	MR. MARCUS: Mr. Stern, you have now	12:26:09
7	revealed the exact reason to attack Mr. White's	12:26:10
8	credibility which has nothing to do with this	12:26:15
9	case. What you --	12:26:18
10	MR. STERN: Credibility is always relevant	12:26:20
11	and this is showing that he's lying here because	12:26:21
12	he knows that Smart Retail was created a year	12:26:24
13	before Mr. Boshea was terminated.	12:26:27
14	MR. JORDAN: First off, what relevance	12:26:30
15	does that have to the fact that it was created a	12:26:33
16	year before? I don't follow this line at all.	12:26:35
17	MR. STERN: (Inaudible) the credibility	12:26:39
18	that this is just a smear campaign by Mr. White as	12:26:40
19	evidenced by the prior e-mail where he's being	12:26:44
20	asked to provide all sorts of information that has	12:26:46
21	nothing to do with this lawsuit. This is just his	12:26:49
22	attempt --	12:26:52

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1	MR. JORDAN: You're right, it has nothing	12:26:54
2	to do with the lawsuit.	12:26:55
3	MR. STERN: -- to tar and feather Compass	12:26:55
4	Marketing and to distract with irrelevant	12:26:57
5	information and to assist at the same time by	12:27:00
6	providing documents about this lawsuit.	12:27:03
7	MR. MARCUS: What you have basically done	12:27:10
8	is now confirmed our suspicions that this	12:27:12
9	deposition has nothing to do with anything other	12:27:14
10	than trying to develop a record to defend yourself	12:27:16
11	in other tribunals for investigations that are now	12:27:19
12	being conducted.	12:27:22
13	MR. STERN: I have no idea what you're	12:27:23
14	talking about.	12:27:24
15	MR. MARCUS: I know you don't.	12:27:25
16	MR. STERN: This is about documents that	12:27:28
17	your client produced in this lawsuit and it's	12:27:29
18	about a supposed owner of this company	12:27:33
19	communicating extensively with the opposing party	12:27:37
20	and his counsel about the very lawsuit that's	12:27:40
21	being brought against his company.	12:27:43
22		

1	MR. BOSHEA: Let's right a wrong.	12:27:48
2	MR. JORDAN: David, turn off your	12:27:52
3	microphone and be quiet.	12:27:53
4	MR. STERN: And when he says a false	12:27:54
5	statement I'm allowed to explore it.	12:27:56
6	MR. MARCUS: Your idea of what false	12:27:58
7	statements are and positions that have been	12:28:00
8	assumed by this company and what is right and what	12:28:02
9	is wrong, you're entitled to that. What you're	12:28:05
10	not entitled to do is to call somebody who is a	12:28:08
11	nonparty, make these claims and then attempt to	12:28:10
12	smear them and make these allegations that you	12:28:13
13	have made in order for further discovery in a case	12:28:16
14	involving the company and Mr. Boshea. Mr. White	12:28:19
15	is not, and I repeat, not a party to this	12:28:27
16	litigation.	12:28:29
17	MR. STERN: But he's certainly helping a	12:28:29
18	party in this litigation and I'm allowed to	12:28:31
19	explore that.	12:28:35
20	MR. MARCUS: You're going to have to	12:28:37
21	explain that because the only issues that I	12:28:39
22	understand are Mr. Boshea and Compass. That's it.	12:28:42

1 You got claims that you think you need to make

12:28:48

2 then I assume that you'll make them. You have not

12:28:50

3 done so and we are at --

12:28:53

4 MR. STERN: Per a piece of this e-mail

12:28:57

5 that your client sent he's purporting that it

12:28:58

6 relates to this lawsuit and I want to try to

12:29:01

7 understand why.

12:29:04

8 MR. MARCUS: Okay, you'll have an

12:29:05

9 opportunity to do that another occasion.

12:29:07

10 BY MR. STERN:

12:29:12

11 Q Mr. White?

12:29:12

12 MR. MARCUS: It's 12:30, sir. Thank you

12:29:14

13 very much.

12:29:16

14 MR. STERN: This deposition is not over.

12:29:17

15 We reserve the right to continue it. We did not

12:29:19

16 get through all the material today that I needed

12:29:21

17 to cover. There's only a small fraction of the

12:29:23

18 documents that Mr. White produced. He was

12:29:26

19 evasive. You spent a lot of time with speaking

12:29:28

20 objections and trying to interfere with this

12:29:31

21 deposition. We will take it up with the Court.

12:29:33

22 Thank you very much.

12:29:35

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1	THE VIDEOGRAPHER: We are now going off	12:29:38
2	record. This marks the end of the deposition for	12:29:39
3	today. The time is 12:30 p.m.	12:29:41
4	(Discussion off the video record.)	12:29:41
5	THE REPORTER: Can I get your transcript	12:29:41
6	order, please?	12:29:44
7	MR. JORDAN: We'll order the electronic	12:31:05
8	version only. We don't need a video.	12:31:08
9	MR. STERN: We'll have both.	12:31:15
10	MR. MARCUS: We will let you know. Can	12:31:18
11	you make sure that we have your information?	12:31:20
12	We're only going to need, if anything, an	12:31:23
13	electronic copy if you please.	12:31:26
14	MR. STERN: Video and the transcript	12:31:36
15	that's searchable by terms and can be printed in	12:31:41
16	full copy and Minuscript as well.	12:31:43
17	(Off the record at 12:32 p.m.)	
18		
19		
20		
21		
22		

CERTIFICATE OF SHORTHAND REPORTER-

NOTARY PUBLIC

I, Vicki L. Forman, Court Reporter, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of December, 2021.

My Commission Expires:

June 24, 2024


Vicki L. Forman

NOTARY PUBLIC IN AND FOR
THE STATE OF MARYLAND

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